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SURVIVING IN-BETWEEN:

A CASE STUDY OF A CANADIAN ABORIGINAL-OPERATED CRIMINAL JUSTICE ORGANIZATION

BY

MARIANNE O. NIELSEN

A thesis submitted to the Faculty of Graduate Studies and Research
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

IN

DEPARTMENT OF SOCIOLOGY

EDMONTON, ALBERTA

FALL, 1993

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Dr. Robert A. Silverman

Sept 27, 1993
(Date)

DEDICATION

This research is dedicated to the people of the Agency and all the other "Agencies" in Canada, who have devoted their lives to giving Native people back their dreams.

"Soon there will be many books
that will tell of our ways
and perhaps will shame even those
who think us inferior
only because we are different.
To those who believe in the power
of the written word these books
will proclaim our cultural worth."

– Chief Dan George (1974:55)

SURVIVING "IN-BETWEEN": A CASE STUDY OF A CANADIAN ABORIGINAL-OPERATED CRIMINAL JUSTICE ORGANIZATION

ABSTRACT

This case study of an Aboriginal-operated criminal justice organization explored the factors that affect the survival of such organizations and the responses the organizations can successfully or unsuccessfully make. Aboriginal criminal justice organizations exist in the interface between the state and Aboriginal communities. Their purpose is to provide services to Aboriginal offenders who make up the largest minority group within Canada's criminal justice system. Because of the state's reluctance to give autonomy to Native groups it was anticipated that the state would place obstacles in the path of these groups (which form the core of a number of evolving Aboriginal-operated criminal justice systems) with the primary objective of bringing them under greater state control. Native communities would also try to control these organizations because of the scarce political and economic resources the organizations have access to. Concepts emerging from the data were matched with insights drawn from critical criminological and social organizational theoretical frameworks. The two main factors that had influence on organizational survival were political turbulence in the environment and resource dependency. These allowed direct and indirect control attempts by other groups. The main response by the organization was to try to maintain an "in-between" status, that is, a position between the Native communities and political organizations, and the state. Specific means of doing this included: maintaining mutual dependencies, selective resistance, maintaining an apolitical stance and using resources from both sides. Effective leadership was an underlying theme.

ACKNOWLEDGEMENTS

When a project encompasses six and a half years of your life, there are a lot of debts that accumulate and a lot gratitude that needs expressing. I could not have completed this work without the support and assistance of the following kind individuals and organizations:

At the Agency: "Ed Smith," the senior managers, the members of the research department and many other individuals who I cannot name, but wish I could. Thank you for your infinite patience in answering my questions and for your gentle words in pointing out my inaccuracies.

At the University of Alberta: Tim Hartnagel, my supervisor, for his excellent guidance (and amazing editorial skills); the members of my committee, past and present: Bob Silverman, Helen Boritch, Harvey Krahn, John Foster, and John Usher; the staff of the Department of Sociology for administrative and moral support; and my colleagues: Barbara Heather, Lindsay Redpath, Linda Reutter, Judith Golec, Lynn Van Reede, Jane Milliken, Hannah Scott, Deborah Hurst Usher, and particularly Alan Law, who consistently asked the right question when I least wanted to hear it.

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If I've forgotten anyone, I apologize, and I'll buy you a cider later.

– Marianne

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CHAPTER 1: INTRODUCTION

"Justice in disrepute."
— *Edmonton Journal,* January 27, 1990, p. A6 (editorial)

"Lawyers urge action in Marshall 'crisis.' "
— *Edmonton Journal,* February 1, 1990, p. A3

"Marshall probe fall out will land in legislature."
— *Edmonton Journal,* February 22, 1990, p. A11

"Justice system against us, chief says."
— *Edmonton Journal,* April 21, 1990, p. A1

"N.S. minister determined to restore faith in justice system."
— *Edmonton Journal,* July 10, 1990, p. A10

* * *

Aboriginal-operated[1] criminal justice services are a relatively new phenomenon in Canada. There have, as yet, been no studies of their operation or interactions with the larger Canadian criminal justice system, as far as I know. As an ethnically-based initiative, this type of organization is unique in the criminal justice system. Dependent on both the state[2] for funding and the Native community[3] for clients and staff, these organizations are

---

1. The terms "Native" and "Aboriginal" are used interchangably. The term "Indian" will be used only in its legal context.

2. The concept "state" is used in two ways in this document. The term "the state" is used to describe the institutions (the legislature, executive, central and local administration, judiciary, police and armed forces) which act as a system of political dominance and have a monopoly over the legitimate uses of violence (Abercrombie et al, 1984:208-9). It will be used in the macro-level context. The term "branches of the state" will be used to refer to state agencies in the role of social actors, that is, as they have "definite means of reacting and formulating decisions, definite means of action, and some links between the two." (Hindess, 1986:115). This definition will be used at the social organizational level. Differentiation will be made between the various branches of the state

caught in a unique interface between two political opponents.

The politicization of relations between Aboriginal communities and the state has been escalating since the late 1960's, but criminal justice services have been included in the process only in the last five to seven years. As the newspaper headlines at the beginning of this chapter attest, the political impact of this addition has aggravated the poor relations between Native communities and the state and has increased public cynicism about criminal justice.

Native-operated criminal justice service organizations are caught on the political battlefield as Native self-determination[4] and the state's need to legitimize its authority over Aboriginal peoples come into conflict[5]. This exploratory study of an agency for which I worked for 10 years[6], investigates what impact the relationships among the three groups—the state, Native communities and Aboriginal criminal justice service organizations—may have on the survival of the Aboriginal-operated organizations such as the Agency, what other factors may also have an impact on them, and how the organizations respond.

This chapter describes the development of Aboriginal-operated criminal justice services in Canada, the background of the Native organization upon which this case study focuses, and the objectives of the research project.

---

as required, and in particular when discussing the relationship between the organization under scrutiny in this research (the Agency) and front-line criminal justice staff such as judges, police and community corrections workers. In effect, these frontline personnel form a third level of the state, a level that is in direct interaction with Aboriginal people. Note that the branch of the state most commonly referred to in this document is the provincial Solicitor General's department, unless otherwise specified. This was the branch on which the Agency was most dependent because of funding arrangements. It is also the branch responsible for the administration of justice in the Province.

3. There is no such entity as "a" Native community because of the diversity of cultures, historical experiences and political agendas; however, for heuristic purposes this terminology will be used in this report.

4. At the time of this writing, the legal definitions of "self-government" and "self-determination" have not yet been set. Self-determination is frequently used synonymously with "self-government," but it has more than a political meaning. In common usage, self-determination refers to the idea of "free choice of one's own acts or states without external compulsion" (Webster's New Collegiate Dictionary, 1987:1066). Self-determination efforts among Native communities are taking a variety of forms including not only the control of criminal justice services, but the control of education, health care, economic development and social services.

5. Vallee (1978:333) has described Canadian society as "a vertical mosaic, a totem pole with native people at the bottom."

6. For ethical reasons the name of the agency cannot be revealed and all indicators of its identity have been disguised. It will be referred to simply as "the Agency" throughout. See the Methodology section for further details.

DEVELOPMENT OF ABORIGINAL-OPERATED CRIMINAL JUSTICE SERVICES

Aboriginal people are the single largest minority group involved in the Canadian criminal justice system. They were estimated to be 2% of the total Canadian population[7], yet they made up 9% of the incarcerated inmate population in 1984, 11% in 1989, and indications are that the proportion will keep increasing (Forum, 1989:6)[8]. This over-representation was most striking in the Prairie and northern regions where Native inmates in 1987-88 comprised significant proportions of the populations in provincial institutions: 55% in Manitoba, 66% in Saskatchewan, 31% in Alberta, 60% in the Yukon and 88% in the NWT. These rates were fairly constant with the rates of the 5 years previous (Griffiths and Verdun-Jones, 1989:564). Frideres (1988:203) reported that, "In 1983, about 70% of status Indians could expect to be incarcerated in a provincial correctional institution by age 25, compared to eight percent for other Canadians."[9]. This is the group from which the Agency draws its clients, and quite frequently, after a significant period of personal stability, its staff.

While most services to Canadian people are provided by the state, criminal justice services to Canadian Native people have also been provided by Native-operated agencies since the early 1960s. Prior to this time, Native offenders could also request services from non-Native criminal justice service organizations such as the Salvation Army and the John Howard Society. The Elizabeth Fry Society did not become active in the Province until 1978[10]. As explained later in Chapter 2, however, Native offenders were not comfortable with these services, finding them too oriented toward the needs and values of non-Natives.

---

7. Note that according to the 1991 census, 4% of the Canadian population reported Aboriginal origins, which decreases the proportion of over-represention somewhat (Statistics Canada, 1993:i) The historical context for the development of this over-representation is presented in Chapter 2.

8. See Cawsey (1991b) for an overview of the most influential state-sponsored reports describing the involvement of Aboriginal peoples in the Canadian criminal justice system.

9. To put this situation in perspective, similar scenarios have been reported in most countries in which an indigenous population has been colonized. Australia, for example, reported that Aborigines make up 10.5% of its prison population but only 2% of its total population (Jackson, 1989:217).

10. The Salvation Army began providing services in the Province in 1916, but mainly housed men released from jail. The John Howard Society began providing services in Fort Jones (a pseudonym) in 1949, but focussed on supervisory programs. Of the three organizations, Elizabeth Fry overlaps most with the Agency, as about 70% of its clientele are Native women. It has one Native staff member and is active in the courts. It provides services in two large urban centres only. A comparison of their criminal justice services indicates that these organizations operate on a much smaller scale than the Agency. In 1989 Elizabeth Fry had a budget of about $200,000; John Howard, $230,000; and the Salvation Army, $200,000. The Agency's budget was $7.2 million. These figures are not strictly comparable as they represent different geographic zones within the Province.

Friendship centres became the first Native organizations to send staff to court to assist the Native accused to understand the system. These individuals became known as "courtworkers" (Lajeunesse, 1987:6).

The first Native private agency to offer criminal justice services began a courtworker program in 1970. Other courtworker programs soon followed across Canada. These programs were originally administered by a variety of organizations: independent, non-profit, Native-operated "carrier agencies"[11] (Alberta, British Columbia, Northwest Territories); Native friendship centres (Saskatchewan, Ontario, Yukon); Native political organizations (Nova Scotia, New Brunswick, Prince Edward Island); legal services societies (Labrador); and provincial government departments (Manitoba, Quebec). Some of these programs are no longer in existence and others changed their organizational structure to meet demands from state funders and the Native communities, or because of internal concerns. As of December 1991, eight of these organizations were still in operation. As part of my employment with the Agency, I had the opportunity to visit and observe all of these organizations, including those now "deceased."

Although often referred to as "courtworker agencies," the services of these organizations, in addition to courtwork, extended from prevention at the front end of the system to aftercare at the back end. Over the years, these services have been diverse, including: courtwork in the criminal, youth and family court divisions[12] of the provincial/territorial court systems; alcohol abuse education and counselling; Native liaison services and Elder services in provincial and federal correctional institutions; parole and probation supervision for adults and young offenders; minimum security forestry camps; halfway houses for adult offenders; a minimum security correctional institution; young offender group homes; Li'l Beavers (scout) programs; young offender wilderness camps; fine options supervision; crime prevention programs; community youth workers for isolated areas; legal education workshops; and legal education media productions. All of these services and programs were provided free of charge to the client. Not all of these services are still offered by the courtworker agencies. Some services were taken over by other organizations or by a branch of the state, but most programs ended because of a lack of funding[13], although in some provinces the lack of qualified and interested staff to run the program also contributed (Personal observation).

Courtworker agencies are not alone in the growing field of Native-operated criminal justice services. Community legal services clinics have existed in some communities, such as Thunder Bay and Tuktoyaktuk; paralegal organizations have been formed in a number of communities in British Columbia; and several Bands across Canada have started their own legal services programs covering not only legal services but also policing, corrections, and

---

11. "Carrier agency" refers to the agency administering the courtwork program and which is funded, in most cases, by the federal Department of Justice through a contract with the provincial/territorial government.

12. Family courtwork is a separate program from criminal courtwork and is funded outside of the federal Department of Justice, usually by provincial sources.

13. Each program offered by a carrier agency had its own funding contract which was usually renewed annually.

community crime prevention and programs diverting offenders from court[14]. Whereas many of these services were started in areas where there were no courtworker services, some programs were also started because of community dissatisfactions or the ambitions of political leaders (Personal observation).

While the majority of these programs are operated by the Indian band and the federal government to provide services on reserves, the courtworker agencies are the main sources of services in most non-reserve areas and urban centres. Since the majority of offences are committed in urban areas (Frideres, 1988:205), courtworker agencies are perhaps the most significant source of criminal justice services to Native people.

The courtworker organization chosen for this study, the Agency, was one of the most developed, diversified and powerful Native criminal justice service providers in Canada.

BACKGROUND ON THE AGENCY

Because of its key role in the development of Native criminal justice services across Canada and because of my familiarity with its operation, I chose the Agency as the focal organization for the research. The Agency was defined as "Native" based on the following characteristics (as of December, 1991): it was designed and established by Native people; approximately 92% of its clients were Native (Agency self-study, 1991); 80 to 90% of its staff were Native[15]; six out of nine senior managers were Native; and all seven members of the board of directors were Native. The organization was accountable only to its board and, through its funding contracts, to the state and private funders.

The origins of the Agency can be traced to courtworker services offered by the Fort Jones friendship centre beginning in the mid-1960s. It expanded rapidly in the mid- and late-70s until it achieved its current position as one of the largest and most respected Native criminal justice organizations in Canada.

The Agency was one of the first non-political Native organizations in Canada to establish its right to exist. A federal government manager (Interview, October 23, 1987), for example, called it one of the first Native service organizations:

> ...to earn genuine acceptance...as part of...the scene, a real presence and thereby an example to say it is possible, not only to establish these kinds of services, but actually to earn and have the respect, acceptance and cooperation of the rest of the criminal justice system, governments or whichever groups you want to look at...[it] opened the way for so many others.

It has been called a "flagship" and a "trail-blazer" (Other CJS member, October 26, 1987; Provincial manager, July 31, 1987). It has served as an example to Native people that it is possible "that Native people could fight one of the most frightening bureaucracies,

---

14. See the National Inventory of Aboriginal Justice Programs, Projects and Research (1990) for the most recent listing of Native services available across Canada.

15. Of which I was one of the few non-Natives.

the criminal justice system, and win..." (Agency History, Chapter 14). It has shown other Native organizations what is possible for a Native organization to accomplish (Provincial manager, May 12, 1987; Staff member, May 16, 1987).

The Agency has changed the face of criminal justice throughout the Province and across Canada (Federal manager, October 23, 1987). The Native incarceration rate in the province dropped by 25% from 1968 to 1988 and has remained stable since. The Agency has been credited with contributing significantly to this decline (Joint publication of the Agency and the Provincial Solicitor General, circa 1988). It has been said to have a tremendous impact on the criminal justice system because of the great number of offenders that have been assisted (Other CJS member, October 26, 1987). It has also been credited with having a strong impact on the provision of social services to Native people in the Province (Provincial manager, June 21, 1987) and has been called one of the best agencies of its kind in the world (Other CJS member, May 13, 1987).

The organization has played host to observers from Australia, Zimbabwe, China, the former USSR, Finland, the United States and New Zealand[16]. As of December, 1991, Agency managers have travelled to Australia on three occasions at the request of aboriginal groups to act as advisors (Agency History, Chapter 14).

As described in Chapter 4, the Agency was one of the first provincial courtworker agencies to get federal funding for its criminal justice services (Federal manager, October 23, 1987). The Agency was responsible for introducing Native courtworkers into courts; Native liaison officers and Elders into correctional institutions; Native parole and probation supervisors into community corrections; and for introducing the idea of Native people operating a minimum security correctional institution. These programs became templates for similar programs across Canada (Federal manager, October 23, 1987), although each program showed marked individuality, for example, in terms of structure, staff relations, community support and political involvement (Personal observation). The Agency has also been in the fore-front of educating the non-Native public about Native criminal justice concerns (Provincial manager, May 12, 1988).

The Agency was one of the first Native organizations in Canada to employ both Metis and non-Status Indians, and Treaty Indians. It is also one of the few that does not differentiate among its clients based on their Native status[17], although staff members were usually aware of the status of individual clients (Personal observation).

Of particular interest to this study was that the Agency sees itself, and is seen, as one of the most stable Native organizations in Canada (Agency History, Chapter 4; Other CJS member, August 7, 1987). According to Frideres (1988:369), the success rate of new Native organizations is very low. Personal observations of other courtworker organizations

---

16. Of those I met, all expressed wonder at what the Agency had been able to accomplish. All reported that they would recommend a similar model for their home countries. It was rumoured that one observer was fired for aggressively pushing the Agency model against political opposition.

17. The definition of clientele by Native organizations is an issue because of the jurisdictional, legal and economic constraints within which the services are provided. Funding, for example, may be available for Treaty Indians, but not for other groups (Breton, 1984:6-7).

confirm this assessment. A long time Agency staff member recalled watching other Native organizations, "that got themselves in deep trouble and went down the tubes, everything from courtwork organizations in other provinces, to friendship centres, to a [Native media group]." (Interview, April 14, 1987). The stability among staff members is indicated by the number of people who have received long-term service awards from the organization. Between 1980 and mid-1991, 177 staff members had received 5 year awards, 43 had received 10 year awards, 9 had received 15 year awards and 3 had received 20 year awards[18] (Agency statistical and activity summary, 1990-91).

In 1990-91, the Agency was one of the largest Native service organizations in Canada, employing over 135 permanent, temporary and contract staff[19].

It operated two province-wide programs and 15 locally-based programs. Province-wide programs were criminal and young offender courtwork, and family courtwork. Local programs were federal liaison services in one institution, Elders services in one federal institution, parenting skills programs in two communities, parole supervision in one community, fine options supervision in one community, a forestry camp, a minimum security correctional centre, two young offender group homes, seasonal and year-round youth groups in various communities, and addictions programs in two communities. This reflects an agency shrunken by severe cutbacks in the late 1980's (to be discussed in Chapter 6). It had a legal education media department, a training department, a research department, and a finance and administration department.

It had a budget of over 6 million dollars in 1990-91, 89% of which was administered by the provincial Solicitor General[20] and 10.5% of which came from a variety of private foundations, federal government and other provincial government funders (calculated from Agency statistical and activity summary, 1990-91:32) See Table 1 for an overview of changes in the Agency over the developmental stages covered by the research.

The Agency describes itself as serving three client groups: individual offenders, members of the criminal justice system, and the general community. Although the Agency doesn't say this in any of its documents, I would argue that "the state" as defined here is also an important client of the Agency. The reason for this will become clear in the next chapter. It should be noted that not all individual clients were Native people; in some communities, non-Natives made up close to 25% of the clientele.

The Agency is not affiliated with any Native or non-Native political group or with any religious or charitable institution. It is a non-profit society and a registered charitable institution.

---

18. Board members are included in these numbers, and there is some overlap between categories, as some of the 20-year people, for example, would also have received awards for 5, 10, and 15 years of service in previous years. I received two of the three awards before leaving, for example.

19. Nine were senior managers, 21 were middle managers and the remaining were front-line workers and support staff. (Agency statistical and activity summary, 1990-91).

20. A factor I will show later to be of major importance in state-Agency relations.

Table 1: Summary of Agency Characteristics at Each Developmental Stage, 1970-71 to 1990-91

Year	Budget	Number of Staff (a)	Number of Senior Managers	Number of Management Levels (b)	Number of Locations (c)	Number of Separately Funded Programs (d)	Number of Integrated Programs (e)	Number of Courtworker Client Contacts (f)	Number of Correctional Clients (g)	Number of Liaison Clients (h)
1970-71	80,000	10	2	2	8	1	5	N/A	N/A	N/A
1973-74	469,000	30	3	3	8	4	1	6914	265	748
1989-90	7,232,000	110	8	4	26	17	8	33,255	5167	11,201
1990-91	6,168,000	108	9	4	26	16	9	38,106	2590	3798

a) 1989-91 figures include permanent, temporary and contract staff. The others include only permanent staff.
b) These include both senior and middle management.
c) These do not include correctional facilities or offices in correctional institutions.
d) Some of these programs may have more than one source of finding and include staff with different job title depending on the source.
e) These are programs that staff provide as "extra services." The 1970-71 figure is an estimate based on interviews.
f) These are not numbers of actual clients. One individual may be counted several times. These include the criminal, family, and young offender courtworker programs and the family support program.
g) These are actual clients, not contacts. The programs include parole supervision, young offender and adult probation supervision, fine options supervision and correctional facilities. Elders programs were not included. No statistics were available for parole supervision in 1989-90.
h) These include both federal and provincial institutions and are contacts, not actual clients.

Note: Other Agency programs were not included because their statistics are based on average attendance/day or event.

Sources: Financial statements for the ten months ended March 31, 1971; Agency Annual Reports 1974-75, 1989-90, 1990-91.

The Agency defines its mandate as follows: "Our mission is to ensure the [the Province's] Native people receive fair and equitable treatment by respecting their unique cultural differences, and by utilizing a holistic approach in the development of the individual, the family and the community." (Agency statistical and activity summary, 1990-91). This statement makes no direct reference to criminal justice, but this is found in the Agency's three objectives (Agency statistical and activity summary, 1990-91):

1) To lower the Native incarceration rate.
2) To gain fair and equitable treatment for Native people involved in the criminal justice system.
3) To assist Native communities, and individuals in developing their full potential.

In summary, the Agency has demonstrated that a Native organization can make a place for itself in the Canadian criminal justice system and have an impact on the administration of justice.

OBJECTIVES OF THE RESEARCH

Carrying out research on Native criminal justice service organizations is important because of the lack of research in the area. As mentioned earlier, the interaction between Native criminal justice organizations and the wider criminal justice system has received little attention. Needless to say, the interaction between these organizations, the state and Native communities has not been studied at all. Theoretically-based overviews of Aboriginal involvement in the criminal justice system are beginning to appear, although these do not focus on the administration of justice by Aboriginal peoples themselves (see, for example, Mannette (1992) and henderson (1992)). The descriptive studies of Aboriginal criminal justice administration have tended to be primarily program reviews, needs assessments, and reviews of the literature. Native policing efforts have been the most thoroughly described, with recent studies from Cooper (1988/89), Depew (1986), the Task Force on Indian Policing (1990) and the Blood Inquiry (1991). Studies of Native correctional programs have been only slightly less common with recent studies from Bonta (1989), Jolly and Seymour (1983), McCaskill (1985), and the Task Force on Aboriginal Peoples in Federal Corrections (1988). Descriptions of Native-operated crime prevention agencies are somewhat scarce, with McDiarmid (1983) providing one of the few. While at least five program reviews have been completed focussing on Native courtworker programs, only three of these are public documents (Co-West, 1981; Lajeunesse, 1987; Steering Committee, 1989).

Verdun-Jones and Muirhead (1979/80:18) point out that "what is required is a more comprehensive, multi-disciplinary and integrated focus which would draw together a number of perspectives. The involvement of Native peoples with the criminal justice system must be viewed in the light of the history of their colonial status *vis-à-vis* the dominant white society, and their present socio-economic status." In order to investigate the historical conditions affecting the development of an Aboriginal organization, and in the

spirit of Verdun-Jones and Muirhead's admonition, ideas from two separate sociological frameworks were used. The critical criminological perspective was chosen as the most appropriate for the macro-level context. Such an approach looks at political and economic relations within the criminal justice system and is appropriate for exploring the relations of dominance and subordination between the state and Aboriginal peoples, an apt dichotomy according to the historical literature, for describing Aboriginal-white relations in Canada. Because the subject of this study is an organization, a social organizational perspective is used at the micro-level. To increase the contribution of the Native aspects of the organization and its environment, concepts emerging from the data are also incorporated. Most of these are rooted in Native cultural concepts. These three frameworks are linked together to suggest answers for the research questions driving the project.

Descriptive macro-level studies of state-Aboriginal criminal justice relations that venture beyond an implicit functionalism (in that they focus only on the place and role of Aboriginal groups in the criminal justice system), are rare. A critical perspective can be found in LaPrairie (1990), Havemann (1982) and Havemann et al. (1985). With the exception of these studies, descriptive research has tended to ignore the inequities in power between Aboriginal peoples and the state in favour of taking a "blaming the victim" approach that focusses on offender characteristics rather than structural factors (Havemann et al., 1985:3-4).

Political and economic relations can no longer be ignored as the state and Aboriginal self-determination initiatives come into conflict over Aboriginal political autonomy, in this case, autonomy to control criminal justice services. Native criminal justice organizations such as the one under scrutiny here, are one manifestation of Native self-determination efforts. While the early courtworker programs provided services only at the tolerance of the court, by 1991 courtworker programs and other Native criminal justice initiatives formed the core of a series of evolving Native-controlled alternative criminal justice systems, a development not especially welcomed by the state, in keeping with the general threat that Native aspirations are seen to be to social unity (Frideres, 1988:274)[21].

At the organizational level, it was anticipated that the various branches of the state would place obstacles in the path of the Agency. These obstacles would either hasten the demise of the organization or, more desirably, place it under the control of some state department. Since self-determination was a major goal of most Native communities and organizations, these state control efforts would, in all likelihood, be resisted by the Agency; however, such resistance efforts will likely divert its resources from the client services

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21. While criminal justice services are not the centrepiece of state-Aboriginal negotiations, they have been incorporated into many of the self-government agreements being negotiated (e.g. Dene Nation, 1982; Cree Board of Health, 1985; Gitskan-Wet'suwet'en, 1989). A number of task forces and commissions have also supported the development of more Native-operated criminal justice services, including the Manitoba Inquiry (1991), the Cawsey Commission (1991a,b), the Marshall Inquiry (1989), the Correctional Law Review (1988), the Standing Committee on Justice and Solicitor General (1988), and the Task Force on Aboriginal Peoples in Federal Corrections (1988). It should be noted that these programs are important not only from a political viewpoint but because of their contribution to the economic development of communities (Ponting, 1986:170-1).

needed to lower Aboriginal involvement in the criminal justice system (as indicated by the incarceration rates). Because of the scarcity of political and economic resources in the Native community (as described in the next chapter), it was anticipated that efforts would also be made by the Native communities to take control of the Agency so as to use the Agency's credibility and financial resources for political purposes. Control efforts by the various branches of the state and the Native communities, therefore, have the potential to diminish the effective (and efficient) provision of services to offenders. The result will be to keep the incarceration rate at its current tragically high level[22].

The overall objective, therefore, of this research project was to understand the survival of an Aboriginal-operated criminal justice organization in the context of Aboriginal-state relations. The specific objectives of this research were:

1. to carry out a case study from a combined critical criminological-social organizational perspective on one Native-operated criminal justice service organization;
2. to determine the nature and origin of the factors that have threatened the organization's survival over the years;
3. to determine the nature of the organization's responses that ensured its survival;
4. to determine what impact, if any, the "Nativeness" of the organization has had on its survival; and
5. to make suggestions about the life cycles of other Aboriginal-operated criminal justice services across Canada.

This research will, therefore, hopefully, provide much-needed information that can assist in making criminal justice services more effective and thereby change the high over-representation of Aboriginal people involved with the Canadian criminal justice system.

OVERVIEW OF THE DOCUMENT

This document is divided into eight chapters. Chapter 2 provides the socio-historical and theoretical contextualization for the research. Chapter 3 presents the methodology which lays the background for the data analyses, comprising Chapters 4 to 7. The study of the Agency was broken into four sections, each one of which comprised a developmental stage within the Agency's history. Each data analysis chapter describes one of these periods. Chapter 8 presents the summary and discussion of the research and makes suggestions for further research.

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22. Whether or not this is a desirable consequence from the point of view of the state will be addressed later.

CHAPTER 2: CONTEXTUALIZATION: ABORIGINAL CRIMINAL JUSTICE ADMINISTRATION IN CANADA

The research questions that I used to guide this study evolved from an exploration of the sociological, criminological, and Native Studies literature and from numerous fascinating and thought-provoking discussions with Native community leaders and service providers.

In this chapter an overview of the socio-historical context and theoretical framework is presented and the research questions are explained. The socio-historical context is that of colonization and decolonization; the theoretical framework combines critical criminology with concepts from the social organizational literature. This chapter begins with a discussion of the socio-historical factors, followed by discussions of the involvement of Aboriginal people in the criminal justice system, the research questions, and the theoretical framework.

SOCIO-HISTORICAL CONTEXT

In order to understand the development and survival of Aboriginal-operated criminal justice organizations, it is necessary to understand the social and historical forces that gave rise to them. The socio-historical context is dominated by the processes of colonization and, more recently, decolonization.

> The European conquest of Native American peoples, leading to the white settlement of the Western hemisphere and the African slave trade, was one of the leading historical events that ushered in the age of colonialism. Colonial subjugation and racial domination began much earlier and lasted longer in North American than in Asia and Africa, the continents usually thought of as colonial prototypes. (Blauner, 1982:518).

As it did elsewhere in the world, the process of colonization in Canada led to Aboriginal peoples being forced into marginalized positions within the structure of the dominant society. Contact with European traders and settlers brought disease, new weaponry, destroyed ecologies, new religions, starvation and, eventually, the Treaties and the reserves. The position of Aboriginal peoples was one of economic dependency and political "wardship" (Kellough, 1980; Tanner, 1983). The result of this was a situation described to the Manitoba Inquiry by a Manitoba chief, Dennis Shorting, as follows:

> So we find ourselves in the fertile breeding grounds of crime: high unemployment, lack of educational opportunities, substandard housing, inadequate health care, tradition, hunting, fishing and trapping rights being violated, a shortage of recreation facilities, and being subject to the law and which many times we don't understand, laws which do not fit with our culture, values and traditions. (Manitoba Inquiry, 1991:91-92)

Aboriginal people have become a special type of socio-economic "underclass"[1] because of the social and legal restraints and state policies that have focussed specifically on them, and have prevented most Aboriginal people from rising into the middle and upper classes[2]. Aboriginal peoples in Canada and around the world describe themselves as a "Fourth World," that is, internal colonies within modern states (Miller, 1991a:233). Decolonization is the process of regaining economic and political autonomy. Self-government and self-determination initiatives are at the core of decolonization.

The state historically has been concerned less with enabling Aboriginal peoples to participate more fully in Canadian society, than it has been with acquiring Aboriginal land and "civilizing" Aboriginal peoples. After the White Paper of 1969[3] which united Aboriginal political groups across the country, the state found itself confronted with two challenges from Aboriginal peoples. The first of these was that of increasing welfare dependency; the second was that of increasing politicization of relations.

WELFARE DEPENDENCY

Aboriginal people are heavy users of state welfare services (Tanner, 1983:2). The overall average income for Native people was about one-half that of non-Native people in 1986 (Frideres, 1993:160). Nearly 25% of the Native population reported no income in 1986, compared to 10% of the non-Native population (Frideres, 1993:161). Native people are over-represented in unskilled and primary occupations, and the Native participation in the labour force is 27% lower than the general population rate (Frideres, 1993:164-9).

In terms of welfare payments, the expenditures for social assistance have increased dramatically. In 1974 the total cost of social support for Registered Indian people was over $53 million. This had increased to almost $390 million by 1989/90[4] (Frideres, 1993:196-7). According to Frideres (1988: 198-9):

> ...in 1985, over half the total Indian reserve population received social assistance or welfare payments as compared to nine percent of the national

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1. Many Aboriginal people have never been part of the labour force and comprise a group of welfare dependent, permanently unemployed, a group which is not outside capitalism, but "is an underclass which is fully integrated into the capitalist structure and performing a vital role in the capitalist economy" (Kellough, 1980:352). This role includes being psychological scapegoats and consumers (Kellough, 1980:352).

2. These laws and policies will be discussed later in this chapter.

3. The White Paper proposed the end of special legal status for Aboriginal peoples, the dissolution of the Department of Indian Affairs, and the transference of responsibility to provincial governments. Although supposedly the result of cross-Canada consultation, Indian proposals were ignored (Miller, 1991a:226-229).

4. In 1981 constant dollars, this was a doubling in expenditures from $112 million to $258 million (Frideres, 1993:197). Please note that these figures are for Registered Indians only.

> population. In addition, more than 70 percent of the Indians who received welfare payments were employable. Moreover, the quality of housing, health and other social services provided on the reserves is lower than that provided elsewhere in Canada. These facts taken together suggest that *social assistance is offered as an alternative to employment*. As the rate of social assistance grows, it becomes increasingly evident that poor social conditions and economic opportunities will continue to keep Natives in a state of economic dependency. (Emphasis in the original.)

POLITICIZATION

Relations between Aboriginal groups and the state have become increasingly characterized by political conflict, as indicated by the number of self-government proposals presented to the state. Until the late 1950s the state marginalized, patronized and generally ignored Aboriginal peoples (Taylor, 1985:341); however, these ways of dealing with Aboriginal peoples are no longer effective or feasible. The state has found it necessary to make real short-term concessions to ensure that Aboriginal groups do not endanger the long-term reproduction of social order, that is, long-term social stability. These concessions have included granting an Aboriginal presence at the First Ministers' conference, proceeding with land claim settlements and allowing some Aboriginal control of social and other services (see also Taylor, 1983:9).

Aboriginal claims of "unfulfilled moral responsibility" by the state (Tanner, 1983:33) have grabbed public attention and have provided Aboriginal groups with greater political leverage. Recent actions by the Supreme Court of Canada which recognized the concept of inherent Aboriginal title as part of the common law, and by the United Nations which established a Working Group on Indigenous Populations and drafted a Universal Declaration on Rights of Indigenous Peoples (Morse, 1992:56-58), have also increased their political power.

This increasing politicization is not a general "crisis of hegemony" (see Taylor, 1983:13) such as occurs when the dominant class has "failed in some major political undertaking for which it has requested or forcibly extracted, the consent of the broad masses...or because huge masses...have passed suddenly from a state of political passivity to a certain activity, and put forward demands which taken together...add up to a revolution." (Gramsci, 1971:210, quoted in Taylor, 1980:298). Aboriginal peoples are not a "huge mass" but there is little doubt that the state has failed in its efforts to assimilate them, or that they have risen from a state of political passivity. While Aboriginal people do not and cannot speak with a single voice because of their different political, economic and cultural visions and priorities, they do share common objectives of "sovereignty and the recognition of treaty and Aboriginal rights [whatever these may be in specific terms]. These goals are seen as a prerequisite for the redevelopment and reinforcement of Indian, Inuit and Metis cultural values and community life." (Morse, 1992:52). From the relatively quiet political organizations of the 1950s there has evolved a "burgeoning of political aspirations" (Morse, 1992:52) accompanied by increasingly complex political activities at the local, regional and national levels (Frideres, 1988:260-294).

The crisis that has resulted is more a crisis of public confidence in the state's ability or desirability as governor of Aboriginal peoples. Aboriginal peoples are not proposing a general revolution but, rather, are questioning the authority of the state (see Comack, 1987:234). They are, in effect, proposing a series of small-scale revolts as they establish another level of government. This proposed system will take away control from the state as part of the process of decolonization.

Self-determination efforts in Native communities have a long history. "Self-determination" is a key concept in any analysis of Native issues[5].

As part of the process of decolonization, the Aboriginal political organizations began a series of initiatives in the mid-1980s to take over the political control of economic development, as well as employment, social, educational and criminal justice services. These efforts occurred on the regional and local level. Single bands that had insufficient population, fiscal resources or organizational skills, joined together to form regional tribal councils. These councils also had more political influence than the single bands. In the Province, six such groups existed by 1991, representing over 28 bands[6] .

A second factor is that in the early to mid-seventies, direct action of various kinds was taken by various Aboriginal groups and public attention became focussed on blockades of roads and railroad lines, government office occupations, armed conflict over land, and marches on Parliament (Gibbins and Ponting, 1978:29). This activism continued into the 1980s and 1990s with the last few years having been particularly tense because of the number of land claims (including the Innu of Labrador, the Lubicons of Alberta, the Dene of the NWT, the Yukon Council of Indians, and others); because of the confrontation with the Mohawks at Oka (see York and Pindera, 1991); because of defiance of fishing and hunting laws by the Gitksan-Wet'suwet'en of northern B.C. (Erasmus, 1989:9-10); because of the deaths and suicides among Native young people raised in foster homes or

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5. Nevertheless, it is an ambiguous phrase, and agreement about its meaning has, as yet, not been reached by the state or Native groups. As well, the phrases "self-government" and "self-determination" are often used interchangeably. For the purposes of this paper, I made an arbitrary differentiation: self-government refers to the right to develop and maintain one's own political structure; self-determination refers to the right to choose one's own actions or state of being (Webster, 1987), whether in the political arena or in a multitude of other areas including the provision of health, recreational, educational and criminal justice services. Using this definition, there already exist a large number of self-determined Native organizations and initiatives across Canada. Any organization that is Native-owned or Native-initiated and operated, I have defined as being part of the self-determination movement. By this light, the organization under study, the Agency, has been part of the movement since the Agency's establishment.

6. One tribal group refused to release information on the composition of its membership. It should be noted that while the recession affected some Native service organizations adversely because of their dependence on Provincial funding, these land based groups continued to receive federal transfer payments providing them with a more stable source of funding, and thereby enabling them to compete more successfully for clients with the down-sizing service organizations (Conversation, Native community member, April 8, 1992).

adopted by non-Native families (see Johnston, 1983); because of the actions of Elijah Harper during the Meech Lake Crisis; and because of the findings of the many public inquiries into Native issues[7]. These events and tactics led to Native people being taken more seriously[8], as did their new-found ability to hire legal expertise conversant with the Canadian law pertinent to Native issues (Frideres, 1988:269). These actions challenged the legitimacy, that is, the perceived authority of the state to govern Aboriginal peoples.

Native people have been and are still seen by the state as a threat to national security. The RCMP, for example, has called discontent among Natives one of the most serious threats to Canadian unity (Frideres, 1988:270,274). Taylor (1983:11) suggests that the state has defined Native culture as a potentially "counter-hegemonic pole of attraction," that is, an ideological rallying point for disaffected peoples and, historically, has made it a key element of state policy to "silence or incorporate" it. This is in keeping with Snider's observation that the majority of the population accept their place within society, but the minority that challenge the state's legitimacy must be made "ideologically and physically impotent" (1991:141).

The Native population as a whole, therefore, it can be argued, has developed into a "problem population" for the state, that is, a population that challenges the basis and form of class rule (Spitzer, 1975: 640). (This will be discussed in more detail later.) The Aboriginal political organizations are the most vociferous and visible symbols of this threat.

CRIMINAL JUSTICE ADMINISTRATION AND ABORIGINAL PEOPLES

Aboriginal peoples are also a problem population within the criminal justice system. This is not just because of their presence as the largest group of offenders involved with the system, but because of the political element they have introduced into the internal operation of the system. As Rock (1986:11) points out in discussing the micro-level organizational politics of the state administration of justice: "...criminal justice...is not generally taken by provincial and federal officials to be overtly or theatrically 'political.' Rather the politics of justice tend to revolve quite quietly around problems of nuance, priority, and proprietorship."[9] With the introduction of Aboriginal self-determination efforts into the criminal justice system, this administrative quiet was irreparably broken.

As well, a number of other factors in the environment have influenced the administration of justice for Aboriginal people. These include demographic changes,

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7. This is indicated by the increase in media coverage of Native issues, the increase in awareness in everyday discourse, and increased state actions to deal with Aboriginal concerns (Frideres, 1988:269-270).

8. See, for example, the Abella report on Native employment (1984), the Penner Report on Native self-government (1983), and the Marshall Inquiry (1989), the Manitoba Inquiry (1991), and the Blood Inquiry (1991) on criminal justice matters.

9. While Rock (1986) may be underestimating the intensity of internal politics and the impact of "law and order" platforms by political parties, it is likely that the race-based politics introduced by Aboriginal inmates caused a great deal of turbulence as criminal justice staff tried to cope (See Nielsen, 1990).

cultural changes and the development of other Native organizations. These factors were closely related to the political factors.

POLITICAL FACTORS

Political pressure aimed at decolonization began in the late 1960s and early 1970s with the release of several government-commissioned reports describing for the first time the over-representation of Native inmates (Canadian Corrections Association, 1967; Alberta Board of Review, 1974). These and the media outcry they provoked, led not only to greater public awareness of Native people within the criminal justice system, but, by 1975, to the first joint conference of state criminal justice decision-makers and Native community leaders and service-providers (Canada Solicitor General, 1975). Their recommendations laid the groundwork for the changes that occurred within the criminal justice system over the next 20 years (Newby, 1981:11-12), for example, the expansion of Native courtworker programs, the increased recruitment of Native RCMP officers, the implementation of Native awareness training for non-Native criminal justice staff, and the establishment of Native-operated half-way houses (Personal observation).

By 1980, criminal justice provisions, that is, the "power to administer justice and enforce laws with the back up of court and enforcement systems" (Opekokew, 1980:45; see also Saunders, 1979:12;) were common in many land claims statements where it was recognized that each band had its own priorities and therefore different justice demands (Correctional Law Review, 1988:12). The James Bay and North Eastern Quebec Agreements, for example, both included criminal justice provisions (Correctional Law Review, 1988: 13). According to the Assembly of Manitoba Chiefs (N.d.:31):

> In dealing with the administration of justice, Indian people have the right to activate our traditional methods and practices, our beliefs and values and our philosophies of life for government and if we so desire, Indian people have the right to establish new approaches, whether or not such approaches are borrowed or the result of the creative genius of the Indian people.

By the late 1980s, the provincial and national Native political organizations were also making their presence felt in the criminal justice arena[10]. In 1988, for example, a justice committee was established by the Assembly of First Nations (Griffiths, 1990:278). Its spokesperson stated: "Justice issues are very closely tied with the issue of self-government. It's very difficult to conceive of one without the other...among the concerns of the AFN is the difficulty that Native people have in dealing with the legal, enforcement, and judicial structures of Canada." (Griffiths, 1990:278).

While early self-determination efforts focussed primarily on assuming the

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10. Paralleling the development of political activism in the Native community has been the development of organizations of Native inmates which provide cohesiveness and an organizational basis from which to make demands of the criminal justice system (Jackson, 1989:292).

responsibility for state-operated services, once self-government issues became part of the process in the late 1980s, no differentiation was made between assuming the services that were state-run and assuming those operated by other, non-political Native groups[11].

Changes in political relations between Aboriginal organizations and communities and the state were not the only political factors that provided a context for this study. Other political conditions included the civil unrest of the 1960s, the acquisition of political power by Native groups, and the advancement of sympathetic non-Native individuals in the state hierarchy. Legal and economic conditions also contributed to these patterns.

Civil Unrest:

Political protest on Indian reserves and Metis colonies has a long but uneven tradition (the Riel Rebellion comes to mind). Political protest in the 1930s, '40s and '50s, were in many cases, spearheaded by returned Indian soldiers and graduates of the residential school system (Miller, 1991a:219). Technology, particularly the media, brought the general civil unrest of the 1960s to Native communities, many of which had been isolated geographically, culturally, and politically. The ending of the pass system, the improvement of roads, and the availability of automobiles and telephones, all contributed to improved mobility and communication between groups. In all likelihood, however, it was the introduction of radio and television that awakened the awareness of Canadian Native people, not only to the civil unrest and human rights movements happening elsewhere in Canada and the United States, but to the economic deprivation in which most Native people lived. Native and non-Native community development workers hired by a Provincial special commission played advocacy roles in Native communities explaining Native rights, holding community workshops on topics such as leadership skills, and encouraging community action[12].

The 1960s were called by a federal manager, "the dawning of the age of self-help" (Interview, October 23, 1987). Alcoholics Anonymous groups (which admitted Native members) were an example of the power of self-help groups (Other CJS member, April 16, 1987), as, it is likely, were volunteer groups like the John Howard Society and the Salvation Army which had been involved in privately-operated correctional services for decades (Other CJS member, October 26, 1987).

Through these groups, the media, and other factors leading to improved communications, Native people became aware that they had voices and rights, and that they had the power to exercise them.

Political Power:

Because many of the Indian groups had not surrendered their lands to the Crown,

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11. The Agency was one of the Native-run organizations targetted for take-over attempts, as I will show in Case 4, especially.

12. Some of the Native provincial workers later became associated with the Agency as board members, staff and advisors. it is likely that both federal and provincial community development initiatives had an impact on civil unrest. The provincial workers, however, were the only ones mentioned by the respondents, perhaps because of the workers' later association with the Agency.

nor had they been defeated in military battle, they believed they still "owned"[13] or had stewardship over their land. Political organizations were formed with the aim of resisting legislation outlawing spiritual practices, of asserting traditional rights, and of demanding financial and other assistance (Miller, 1991a:218). The Indian Act and its revisions imposed artificial divisions among Aboriginal peoples (Morse, 1992) and contributed to factionalism within Native communities[14]. Native political organizations which had been in existence since the early 1930s, sprang into predominance in the 1960s because of the openness of public opinion and the advent of state funding for Native organizations (Sawchuk, 1982:86) particularly for political organizations and Native-run enterprises (Mackie, 1986:214). Funding sources for Native-operated service organizations did not appear until later.

As an example of Provincial-level development, the main Provincial Indian political organization was begun in 1933, but it did not gain political prominence until 1943 when Locals started across the province. The main Metis organization began in 1928, but again, did not begin to make its influence felt until World War II. These political organizations did not present a united front. The main purpose of the Indian organization was to limit the power of the Department of Indian Affairs, particularly after the revision of the Indian Act in 1951 which still assumed a paternalistic, assimilationist perspective towards Indian people (Miller, 1991a:222)[15]. A number of national Indian organizations, such as the National Indian Brotherhood and the Committee for Original People's Entitlement also sprang up in the 1960s (Sawchuk, 1982: 86).

Metis groups were concerned primarily with land negotiations. By 1970, Metis associations had sprung up across Canada; the Native Council of Canada, a national Metis organization, was founded the same year (Frideres, 1988:270). Younger members of the Native community also assumed leadership in the Metis and Indian political associations. Many of these Native leaders were former soldiers; some were from the first generation of Native young people who had left the reserves to pursue an education; some were Metis who had "passed" quietly in non-Native society until their growing awareness caused them to speak out.

Power positions:

In the 1960s, people moving into decision-making positions in various state departments were often former front-line workers such as probation and parole officers and lawyers who had dealt directly with Native offenders and who had developed an awareness and sympathy for their situation. A former manager of the provincial social services department recalled:

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13. Indian leaders were active agents in instituting the treaty process; however, the meanings put on the treaties by the various parties were quite different (Miller, 1991a:164).

14. For an overview of discriminatory laws affecting Aboriginal peoples, see Moss and Gardner-O'Toole (1992).

15. The political organization gained more power when Indian people were granted the right to vote in federal elections in 1960 and, a few years later, to vote in Provincial elections.

> ...The assumption that all Mounted policemen did not appreciate, care about Native people, that was wrong...the assumption that all probation officers were unconcerned or unappreciative or un-understanding...that was wrong. [In] the middle sixties, some of us started getting closer to being...in some authority [and] in less of a minority, too. There were always the people around who cared...and by the middle sixties there were more of us and we were listened to more." (Provincial manager, June 21, 1987).

Equally influential in another arena were the lawyers and RCMP officers who had developed sympathy for the problems faced by Native people and who remembered these sympathies on their appointment as magistrates (now provincial judges). Some judges admitted quite candidly that they thought Native offenders were not getting just treatment in the courts, although the explanations given by the judges were usually at the individual level, rather than at the structural level. One judge, for example, commented: "We had been having problems with the Native people basically because we couldn't get them to say anything...whether it was the surroundings or just what. There were obviously miscarriages of justice." (Interview, May 27, 1987). This is not to say that some criminal justice members were not discriminatory in their behaviour. A provincial manager and former police officer recalled: "I know in the police there was real discrimination, it wasn't just pretend. Your chances of ending up before a court, or in a cell, or on a jail term increased... dramatically if you were a Native..." (Interview, June 21, 1987).

OTHER FACTORS

Other important changes occurred that affected the involvement of Aboriginal people in the criminal justice system. These included demographic conditions; culture (in particular, the impact of cultural revitalization movements); and the development of Native organizations.

Demographic conditions:

These conditions took two forms, over-representation of Aboriginal offenders in the criminal justice system and changes in the demographic characteristics of the general Native population.

Over-representation:

The over-representation of Native people in the criminal justice system did not begin until after World War II (Manitoba Inquiry, 1991:101). Until then, Indian people had been confined to the reserves by the Department of Indian Affairs, ostensibly to prevent Native people from exploitation by the non-Native population (Miller, 1991a:191), but primarily as a means of control. The only way to leave was on a temporary pass issued by the Indian Agent or, on a more permanent basis, to accept enfranchisement which meant losing those rights that accompany "Indian" status (Miller, 1991a:190). Indian soldiers who had been treated as equals in the armed forces during World War II and the Korean

War, and who had seen the privileges and problems of the world outside the reserve and outside Canada, returned with new information and new ideas that were revolutionary at a very basic level. A Native Elder recalled this experience, "...the way people lived in Europe, where there were no long houses and outhouses, coming back...you figure 'I am going to try to do something for my people so they don't have to go out in the outhouses in forty, fifty below zero.' " (Interview, June 4, 1987).

The pass system was resisted and fell into disuse, and reserve members began to work, visit and move away from reserves. As they did, they ran into barriers created by discrimination, language and their own lack of knowledge of non-Native society, a society with different values, customs and behaviours. With this increased contact, there came increased opportunities for Native people to run afoul of non-Native law and justice, and for family breakdown (Staff member, April 16, 1987). Problems they encountered in dealing with the criminal justice system included: an inability to speak English or French, lack of knowledge about legal terminology and procedures, lack of knowledge about their rights and obligations, lack of knowledge about legal resources available to them, and shyness and fear. A provincial government manager recalled that early research showed that Native people did not understand the criminal justice system: "If a policeman picked them up, they thought they were guilty. They figured that if a policeman came and arrested you, you were guilty. And there were some...people actually in jail and it was the wrong person, because nobody bothered to find out...if it was the right 'John Smith' they were picking up." (Interview, May 12, 1988).

By the mid-1960s jails were occupied by up to 100% Native offenders in some parts of Canada (Canadian Corrections Association, 1967:44-45)[16]. The growth of the Native population in federal institutions has been double that of the non-Native population (Advisory Committee, 1984:50). Many of the charges were for minor offenses, such as vagrancy and drinking in public places, although some were more serious. McCaskill, in a 1970 study, found Native offenders in Manitoba, as an example, had committed two main kinds of offences—theft and assault, which accounted for 90% of their crimes. Most property offences were committed against white stores, and most personal offences were committed against other Native people. Over 90% of offences directly or indirectly involved alcohol[17]. Many were incarcerated for an inability to pay a fine (McCaskill, 1985).

In comparison to non-Natives only a small proportion of Native offenders were approved for release programs such as temporary absences or parole (Advisory Committee, 1984:50; Hann and Harman, 1986). The recidivism rate for Native offenders was also

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16. Because of inadequacies in the record-keeping systems of most criminal justice organizations in Canada, correctional statistics were in the past and continue to be, the most accurate available. This does not mean that correctional statistics do not have problems. The expansion and upgrading of the Uniform Crime Reporting system that has recently occurred may alleviate statistics-gathering problems, particularly if race is included as a category, which was still under debate in 1991.

17. This phenomenon may have been related to the existence of discriminatory laws at the time—as a former soldier recalled, Indians could not drink in public places "but once they were in uniform, Treaty or not, they had the right." (Interview, June 4, 1987).

higher than for non-Native offenders (Advisory Committee, 1984:50).

Except for a few lawyers who volunteered their services and lawyers appointed by the attorney general in very serious cases, there was little assistance available to Native (and other) offenders prior to the start of legal aid services in the late 1960s (Federal manager, April 16, 1987). There was little doubt and a great deal of evidence that the Canadian criminal justice system was failing to assist Native people enmeshed in the system.

Changes in demographic characteristics:

After long decades of population decline brought on by disease, poor diet, poor housing and low incomes, the Indian population in Canada began to increase in numbers in the early 1930s[18]. Government policies to "smooth the pillow of a dying race" were no longer appropriate and increasingly expensive (Miller, 1991a:213). In the late 1950s there was a baby boom on Indian reserves which peaked in the 1960s, although the Native birth rate remained higher than the non-Native rate. With the peak came increased mobility and urbanization, as well as demands for social services, education, housing and employment opportunities. There was also a larger population at-risk of involvement in the criminal justice system. The number of Status Indians living off-reserve had been steadily increasing, so that, about 30% of Indian people across Canada, as of 1979, lived off-reserve (Breton, 1984:13) and therefore in more constant contact with the non-Native population of Canada. By 1991, 64 % of those who identified themselves as "Indian" lived off-reserve (Statistics Canada, 1993:iii).

Cultural changes:

Assimilationist state policies enforced by the Department of Indian Affairs, assisted by the activities of church-operated residential schools, and enforced through the laws outlawing Native cultural ceremonies, had encroached on Native cultures since early in the history of Native/non-Native interaction. The residential schools with their philosophy of cultural and spiritual superiority, in particular, seriously damaged the traditional socialization processes that controlled adult behaviour and taught young people the language, survival skills, parenting skills, social skills and self-esteem necessary to be productive members of a Native community. Many of the traditional teachings were lost because many of the younger generation could not speak the same language as their Elders. Some communities were affected more than others (Interview, August 4, 1987)[19]. On the other hand, it should be noted that the isolation of the reserves and the restriction of Native people within their boundaries assisted to maintain Native cultures and languages (McCaskill, 1985:16). Cultural revitalization included not only the revival of traditional activities such as sweats, pipe ceremonies, thirst dances and potlatches, but the development of new forms of cultural activity such as pow-wows, newspapers, film-making and television broadcasts (Clifton, 1990).

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18. For an over-view of Canadian history from a view sympathetic to Aboriginal interpretations of history, see Trigger, 1985; Patterson, 1972; Miller, 1991a; Ponting and Gibbons, 1980.

19. For more information on the impact of the residential schools see Haig-Brown, 1991.

There were also changes in non-Native culture. Public awareness of civil and minority rights was growing, and interest in Native issues developed. Organizations comprised of non-Native and Native members were formed to improve "the lot of the Indian." Public awareness was fostered by a number of research reports. The Hawthorn Report of 1966, according to Miller (1991a:223), recommended that "in spite of their miserable socio-economic status, Indians actually deserved better treatment from Ottawa than did other Canadians. Because of their aboriginal title and treaty rights they should be treated as 'citizens plus.' " In the Province, two reports, one sponsored by the provincial government in 1967, and a 1968 survey sponsored jointly by three Native political organizations, raised public awareness. One described Native over-representation in the criminal justice system and the other delineated the service needs of Native people in Fort Jones: courtworker services were among the most requested. The general tenor of public sentiment probably put a great deal of pressure on the state and caused a favourable political climate for the development of Native services.

Development of Native organizations:

Two kinds of Native organizations are of relevance to the eventual development of Aboriginal criminal justice service organizations, the Native political organizations and the Native service organizations. These groups assisted the new organizations by providing a variety of badly-needed resources such as funding, organizational expertise and staff.

Political organizations:

Until the emergence of the Friendship Centre movement, the majority of Aboriginal organizations in existence were defined as political groups (Frideres, 1988: 275). It is likely that the experiences of the federal and provincial branches of the state with the Native political organizations coloured later relations with the new Native service organizations.

The relationship between the state and Native political organizations has been an uneasy one. State control over Native political groups began to decline after the White Paper of 1967 united Indian interests. Partly in an attempt to reassert control, partly as a tactic in "the War on Poverty" and for other reasons discussed shortly, the federal government began to fund the development of Native organizations through a variety of government branches, including and beyond the Department of Indian Affairs and Northern Development (Frideres, 1988:280-1). Because of the poverty of Native communities, the organizations had little choice but to accept this assistance if they wanted to build a political infrastructure (Comeau and Santin, 1990:142). This dependency relationship based on financial dependency by the organizations, gave the state a firm degree of leverage over them (Dyck, 1981: 283). This latent control was not exercised immediately; instead, a "gradual but determined effort...to regain control of Canadian Indian administration" by the state occurred (Dyck, 1981:282). This was done in several ways so that, for example, state officials paid attention to and rewarded the more politically moderate organizations: "The result was to bring in line the radical Native organizations and support the more ideologically moderate ones" (Frideres, 1988:270). Other means included the provision or withholding of information essential for organizational planning and operations; co-opting the loyalty of Native leaders; forcing Native leaders to resign through financial sanctions; defining an organization as radical so that funders and supporters avoided it; and

introducing reforms to "pacify the noisiest and most dangerous groups" (Frideres, 1988:286; See also Panitch, 1977:19; Snider and West, 1985:141).

George Erasmus (1989:32), a national Indian leader for many years commented:

> This attitude—that we are wards, and they [the state] our guardians—is so pervasive that we have learned to be wary when such [state] agencies declare their readiness to hand over control of affairs to people in the reserves; what they really mean, we have discovered, is that they will maintain control of the purse-strings and policies, while enlisting our people in the task of administering their system.

Service organizations:

The friendship centres were the direct precursors[20] to Aboriginal criminal justice programs and among the first Native-operated service organizations (Frideres, 1988:275). As mentioned in Chapter 1, a precedent had been set by non-Native correctional service groups in providing services in the criminal justice system, but Native offenders were not comfortable with these organizations. Native people in general, however, were also suspicious of new Native service providers because they had been exploited in the past not only by non-Natives people but by other Native people (Staff member, November 18, 1987).

The friendship centre movement was a response to the urban migration of Native people. Friendship centres began in several Canadian cities in the late 1950s and early 1960s to provide a meeting place for Natives and non-Natives. They quickly evolved into social, recreational and service centres, targetting mainly Native urban residents. As Dempsey (1986:186) points out:

> The experience of many families had been that of exchanging reservation welfare payments for city welfare payments, but with the added problems of street crime, lack of cultural identity and a continued unemployment because of limited education and training. Once they had settled into the city routine, it often was difficult to return to the reserve, both because of the costs involved and because the children had adopted the urban lifestyle.

Friendship centres in small towns were frequently aimed at increasing the awareness of non-Native community about Native concerns, and vice versa (Agency staff member, May 6, 1987). They were more often "drop-in centres" where people could socialize and get information. The city centres focussed on services such as referrals, counselling, job placement, recreation, crime prevention and courtwork.

The friendship centres provided a non-political role model of organizational adaptation to a political environment and provided a template for the structure and operation of the Native criminal justice organizations.

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20. An argument could be made that the Agency was actually "born" at the Fort Jones friendship centre, based on one of the definitions of organizational birth discussed later in this chapter.

Native service organizations found little state funding available when they started. State departments vacillated between wanting accountability and wanting to try innovative strategies. To maintain control over the Native organizations the various branches of the state supplied only short-term funding, required annual budget renegotiations, made state consultants available, required annual reports, and called meetings and conferences. As well, as Chan and Ericson (1981:60) report, once a private agency is co-opted or absorbed into the state bureaucracy it becomes dependent on the state for space, referrals, accountability and sponsorship. While some of these resources are of great benefit to new organizations, their control purposes should not be ignored.

Native organizations were well aware of these control strategies, and that, at a fundamental level, the state opposed the creation of separate Aboriginal-operated systems. Jack London (a law professor and advisor to Aboriginal groups) commented concerning the impact of a newly-introduced corrections bill: "That's a bit like typical Canadian Mackenzie King liberalism...that is, you do a little bit to attempt to satisfy or satiate those in need, and hope they won't revolt and demand an entirely equal place in the community...[the correctional bill is] part of an incremental, though well-intentioned, non-comprehensive set of reforms that are intended to placate rather than effect significant change" (cited in Fine, 1992:A5). Frideres (1988:257) agrees pointing out that the state acts only on Aboriginal issues when forced to do so, and even then, the action occurs only in "white interests."

Several factors in the environment, such as concern about demographic changes, changes in legislation, and the promotion of sympathetic state officials, served to dilute this control trend. Perhaps the most important countervailing influence, however, was the legitimacy derived by the state as a result of its "de facto partnership relations" with the Native political and service organizations which stemmed public criticism of state policy towards Aboriginal people (Dyck, 1981:283). Also important was the increased ease accorded to the state in dealing with structurally bureaucratized organizations (Frideres, 1988:282).

In summary, the early interaction between the state and Aboriginal communities led to Native people becoming marginalized as the state acquired access to Aboriginal land and attempted to "civilize" them. This destroyed the economic base of Aboriginal people who, out of necessity, became dependent on state welfare. As the result of the process of colonization, Aboriginal peoples came to have more and more marginalized positions—economically, politically, demographically, culturally and organizationally—in Canadian society. Aboriginal people became not only an economic expense for the state but, as part of the self-determination movement, Aboriginal people challenged the legitimacy of the state in governing them and in providing services to them in a wide variety of areas.

These changes were reflected in the criminal justice system where Aboriginal peoples were the largest minority group of offenders. Political pressures on the criminal justice system included critical task force reports, conferences targetting criminal justice and Aboriginal peoples, self-government proposals, the entrance of Native political organizations into the criminal justice area, general civil unrest, the growth of Native political organizations, and the movement of sympathizers into decision-making positions within the state. Also influential were changing demographic conditions, especially the increase of Native offenders in the criminal justice system, cultural revitalization in Native

communities, increasing non-Native public awareness of Native issues, and the development of Native service organizations to serve as organizational models.

THE RESEARCH QUESTIONS

The Agency, like all Native-operated criminal justice service organizations, was in the difficult position of receiving funding (and other resources) from the state, and also of being a "self-determined" Aboriginal organization. This placed it in a volatile political environment in which it had to cope with both the political aspirations of Native self-government initiatives and needs of the state to legitimize its governance over Aboriginal peoples. In the midst of this environmental turmoil, it needed to provide effective client services.

This study was designed to explore how an Aboriginal criminal justice organization such as the Agency survived this precarious existence. Its life cycle should reflect the pressures placed on it by the state and the Native communities and political organizations over time. At each stage of organizational evolution, the interaction of the three groups should be apparent in the changes within the organization. As a result, the guiding research questions for this project were:

- What factors affect the existence of Aboriginal criminal justice organizations?
- What responses can Aboriginal-operated criminal justice organizations make to cope with these threats?
- What impact does the organizations' "Nativeness" have on their survival?

In order to explore these questions and to analyze the data available on the Agency, I drew on two theoretical frameworks, social organizational theory and critical criminology[21]. My intent wasn't to test these theories nor to have them drive the research, but simply to provide insights that I could use. Drawing on a social organizational framework was appropriate because I was using an organization as the unit of analysis. Drawing on the critical criminological framework was appropriate because of the political and economic nature of the turbulence characterizing the Agency's environment.

The next section looks at these frameworks.

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21. The use of social organizational concepts in the study of criminal justice administration is still relatively rare. Burstein (1979-80), for example, gives a short one paragraph list of all published and unpublished criminal justice studies that employ organizational theory. More studies have appeared in the 12 years since then (see, for example, Berg et al, 1982; Johnston, 1988; McCleery, 1980), but it is still a ripe field for further work.

THE THEORETICAL FRAMEWORKS

The development of the theoretical framework guiding this research was somewhat unorthodox. As I explain in more detail in the next chapter, I was concerned with capturing the Aboriginal cultural influences within and upon the organization in order to answer the third research question. As a result, the approach used in the preliminary stages of the research was inspired by grounded theory (Glaser and Strauss, 1967); that is, a theoretical framework was not imposed at the beginning but was applied as the concepts emerging from the research pointed to ideas already existing in the literature. But a number of concepts emerged from the data which did not have easy matches. In this section, I outline, first, the relevant concepts and premises from the social organizational literature, then from the critical criminological literature. Along the way I also identify the main emergent concepts (which are discussed in detail in the data analysis chapters). These will be linked together in the final chapter.

SOCIAL ORGANIZATIONAL FRAMEWORK

Because the objective of this research was to understand the micro-level survival of an organization, concepts and premises from organizational analysis were borrowed. Organizational analysis can be defined, at its most basic level, as the formal study of organizational structure, goals and environment (Perrow, 1970:vii)[22].

Organizational analysis developed in response to the evolution of organizations as the dominant institutions in modern society (Bedeian, 1980:16-7). They are the key actors in the social stratification system, in that the division of labour (and its associated opportunities and rewards) is accomplished through organizations (Hall, 1987:13-14). As Hall (1987:1) rather poetically describes them: "Organizations surround us; we are born in them and usually die in them; the space in between is filled with them. They are just about impossible to escape. They are inevitable."

The main actors in the environment of Native-operated criminal justice organizations are organizations: the various branches of the state, such as the provincial Solicitor General's or Attorney General's department, the Department of Social Services, the federal Department of Justice, and the Department of Indian and Northern Affairs; and the Native political organizations at the local, provincial and national levels. Of the latter group, the provincial and local (band) groups play the greatest roles.

Organizations can be studied at the level of structure and processes, that is, the organization as a unit; or at the level of personal interactions, that is, the organization as

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22. The definition of "organization" used in this study is taken from Scott (1981:9): organizations are "social structures created by individuals to support the collaborative pursuit of specified goals"; in addition, "all [organizations] must define (and redefine) their objectives; all must induce participants to contribute services; all must control and coordinate these contributions; resources must be garnered from the environment and products or services dispensed; participants must be selected, trained, and replaced; and some sort of working accommodation with the neighbours must be achieved."

individuals or groups (Bedeian, 1980:17). Organizations can also be analyzed from a variety of perspectives including mechanistic, organic, cultural, political, psychological, and as an instrument of exploitation (Morgan, 1986:321-2).

While it is possible to use any of these perspectives, or any combination of them, I looked for insights mainly within the organic perspective, primarily because of the nature of the patterns emerging from the data. This perspective also seemed to be the one most comfortably "fitting" the Native cultural aspects of the Agency, although a few ideas were also borrowed from the "cultural" and "political" perspectives.

The organic perspective uses a metaphor of the organization as a living entity adapting to and surviving within its environment (Morgan, 1986:39). As environments vary, so do the "species" of organizations. Organic perspectives focus on organizational needs, organizations as "open systems," organizational adaptation to environments, organizational life cycles, organizational health and development, the different species of organizations, and relations between species and ecology. Particular issues within this perspective are survival, organization-environment relations and organizational effectiveness (Morgan, 1986:40). Compared to the mechanistic perspective, for example, this perspective focusses less on organizational structure than it does on the relationship between the organization and its environment (Burrell and Morgan, 1979:46-47).

Of these main ideas within the organic perspective, two were of particular utility in the research: organizational needs and organizational life cycles. It should be noted that organizational adaptation to the environment occurs as the organization acquires resources to fill its needs and as it goes through its life cycle. The impact of culture within organizations was also a relevant, though secondary, idea, as was organizational structure.

Organizational needs:

Organizational needs for resources such as raw materials, finances, personnel, services, and innovative technology (Hall, 1987:303) must be satisfied for the organization to survive, and survival is the most basic aim of the organization. Survival can be defined as a process of using and acquiring resources from the environment (Morgan, 1986:72). Organizations require essential resources such as staff, information and funding, which are all controlled by the environment (Kotter, 1979:87). To this list can be added (some) staff training, technologies, social support, structural forms (Scott, 1981:17-18), and sentiment and power (Ritti and Silver, 1986:26). Legitimacy, or respect and the acknowledgment that the group has the right to "rule" some area (Morgan, 1986:159), is a particularly important resource and instrumental in obtaining further resources. The development of legitimacy depends on recognition from other groups that the organization's structure, role and areas of service (domain) are "proper, useful, and not in conflict with other key actors and agencies in the environment" (Ritti and Silver, 1986:28). Clients are also a necessary resource. A dependent relationship, that is, a relationship in which one group has power or influence over the other (Morgan, 1986:158), could also be legislated (Kotter, 1979:87). If there are few alternative suppliers of these resources, organizations become dependent on the supplier[23].

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23. For a classical analysis of organizational dependencies based on the control of resources, see Pfeffer and Salanchik, 1978.

If dependencies on certain resources are of sufficient size they act as a constraint on organizational autonomy and survival (Kotter, 1979:87). Organizations, therefore, try to obtain and maintain control of the resources essential to their operation. Organizations are active agents in trying to manage their external dependencies (Kotter, 1979:87).

The organization is "open" to the environment[24] and, in order to understand the development of the organization, it is necessary to understand the organization's relations with the environment. Environments can be stable or turbulent. A stable environment means that resource acquisition and the "product" market are predictable and internal structures and procedures are clearly defined. A turbulent environment means that new problems and challenges are frequently imposed and internal systems and structures change constantly to adapt to the resultant uncertainty (Morgan, 1986:50-3). Environments can be characterized by a number of dimensions (Morgan, 1986:72,62). Hall (1987:218-2250 categorizes the external environment into seven conditions that can have an impact on the internal structure and operation of an organization[25]. These are: economics, technology, legislation, politics, demography, ecology, and culture. Economic conditions include the availability of financial resources, for example, the existence of an economic recession or boom, or the diversity of funding sources (state, private foundation, or private enterprise); technological conditions include equipment and information, for example, new ideas for programming (such as Elders in correctional institutions) or new computerized management information systems; legal conditions are legislation and regulations, such as the Young Offenders Act or new government tendering practices; political conditions include pressures from political groups, lobby groups and individuals with vested interests, for example, national, provincial and local Native political groups supporting self-government; demographic conditions include the characteristics and needs of clients and staff, such as Native status, educational achievement, and offence patterns (for clients); ecological conditions are the physical environment (climate and geography) and the existence of competing organizations, so that an example of the first might be the geographical conditions that lead to fly-in court services, and of the second, a proliferation of Native-run local-level social service organizations competing for the same pot of funding; and cultural conditions are the values and behaviours of the groups with which the organization interacts, such as non-Native support or nonsupport of Native self-determination, or client expectations of holistic courtworker services.

Organizational life cycle:

According to the life cycle metaphor, organizations are born, transform, and die.

New organizations form when there is an untapped demand or need for a service and a lack of competition (Romanelli, 1989:371)[26].

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24. In a very general sense, the environment of an organization consists of everything that is not the organization (Scott, 1981:165).

25. Other typologies abound for conceptualizing the environment, but Hall's seems the most comprehensive and applicable for service organizations. Some of these other typologies emphasize, for example, raw materials, industry and the market (Daft, 1989:45-50), or physical, technological, cultural and social components (Scott, 1981:17).

26. Their "birthdate" can be defined in a number of ways, including date of

While new organizations contribute technological and administrative innovations, create new jobs, and increase the amount of technological and administrative expertise available, they also have an unfortunate tendency not to survive for long (Romanelli, 1989:365). This vulnerability, a situation called "liability of newness" (Stinchcombe, 1965:148), occurs when new organizations cannot find or make a niche for themselves in the environment (Hall, 1987:202)[27]. This phenomenon may be the result of learning new roles, conflicts between new roles and financial restraints, having to trust "strangers" with whom no informal relations have yet been established, and having to compete with older organizations with well-established client relationships (Stinchcombe, 1965:149-50; Bruderl and Schussler, 1990:530). Learning new roles can be a liability when there are no role models or experienced staff to pass on knowledge and job-specific skills. New roles are often temporarily inefficient, and therefore, expensive for the organization as they develop. Having to trust strangers means financial relations are more precarious, in that the honesty and competence of the new partners are unknown, and a lack of either could cost the new organization dearly. Having to compete with established organizations means the new organization must try to take away clients who may feel loyalty to the older organization or have other ties with it. (Stinchcombe, 1965:148-50). For a new Native-operated criminal justice organization, these liabilities may mean trying to provide more services than is administratively wise, having to trust the good will of potential funders and criminal justice system members who could easily damage the credibility of the organization, and having to compete with services that have been around for thirty or more years like the John Howard Society, not to mention having to compete with long-time inhabitants of the courtroom such as defence counsels and probation officers.

In the commercial arena, over 80% of businesses fail before reaching the 10 year mark (Romanelli, 1989:369). It should be noted that, as mentioned in Chapter 1, new Native organizations have a very low success rate, with most disappearing soon after formation, although no statistics are available (Frideres, 1988:369).

Age of the organization may not be the only determining factor. Lack of legitimacy has been suggested as an underlying process. In a study of Toronto voluntary social service organizations, Singh et al. (1986b:189,173) found that the acquisition of external legitimacy, that is, receiving endorsements from other powerful organizations, led to significant reductions in the mortality of new organizations. By demonstrating conformity to the norms and social expectations of actors in the environment, organizations develop ties to well-established societal institutions and demonstrated their worthiness to receive rewards. These rewards include invulnerability to questioning, enhanced legitimacy and status, greater stability and predictability, and greater ease of access to rewards (Baum and

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incorporation (e.g. Singh et al, 1986a, 1986b) and the year formal operations started, that is, when a regular location was set up and the founders began to spend the majority of their time on the program (e.g. Romanelli, 1989).

27. A "liability of adolescence" has also been suggested to reflect the tendency of some organizations to have higher risks of failure not at inception, but anywhere from 1 to 2 years later for small organizations, and 11 to 15 years later for larger commercial organizations. This delay is accounted for by stockpiled resources and founder commitment to the organization (Bruderl and Schussler, 1990: 546,533).

Oliver, 1991:189). A young organization that can develop a link to an established institution gets "a jump" on other young organizations (Baum and Oliver, 1991:191). A loss of legitimacy leads to increased risk of death (Singh et al., 1986b:189). Similarly, such linkages improve the survival chances of small organizations who also face special liabilities (Bruderl and Schussler, 1990:532).

Most new organizations face resource scarcity and uncertainty. Strategies to control resources fall into two broad categories: limiting the number of places in which resources are expended (e.g. operating in only a few communities or providing only a few programs); and acquiring and controlling a large quantity of resources (e.g. attempting to get large service contracts) (Romanelli, 1989:373-5).

In situations where demand for services is increasing, generalist as opposed to specialist organizations may have a higher likelihood of surviving because more groups are willing to "invest" in the organization and encourage it into new areas. Similarly, when demand for services is declining, organizations that are efficient in using existing resources as opposed to aggressive in getting new ones, will have better survival chances (Romanelli, 1989:376), since acquiring new resources may not be worth the time and effort put into it.

After surviving their infancy, organizations may remain unchanged for many years, but more likely, will undergo processes of transformation[28]. According to Scott (1981:119), "The organization as an arrangement of roles and relationships is not the same today as it was yesterday or will be tomorrow: to survive is to adapt, and to adapt is to change." As organizations adapt to their environment, organizational transformation occurs.

Periods of environmental turbulence can lead to organizational uncertainty (Cameron et al., 1987:225), as can environmental hostility (e.g. resource shortages or competition) and environmental heterogeneity (e.g. changes in client demographics). A high degree of interdependence among organizations has been suggested as one source of turbulence because changes can come from any direction without notice (Pfeffer and Salanchik, 1978:68; Cameron et al., 1987:225). Linkages with institutions such as government may also serve to insulate the organization against turbulence because they give the more external legitimacy, and can provide extra resources (Baum and Oliver, 1991:194).

Organizational transformation can also be triggered by a variety of internal factors: shifts in organizational agreement about goals which can cause splits within internal coalitions; shifts in organizational agreement about forms of production or social structure, which can also cause divisions; and changes in participants so that new recruits such as women and minority groups members, may differ significantly from existing members and may bring in new ideas (Tichy, 1980:169).

Singh et al. (1986a:607-8) suggest that changes that affect organizational mortality can be classified as "core" or "peripheral." Core changes are ones that affect the least "plastic," institutionalized elements of the organization, are likely to lead to resource mobilization, and are likely to lead to changes in other elements of the organization. Core changes are less likely to occur than peripheral changes (which are less significant and have

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28. Disagreement occurs over the predictability of these processes (see, for example, Tichy, 1980:164; Miller and Friesen, 1980:270).

less impact on other organizational elements). In social service organizations, they found that core changes included changes in service areas (domain) and sponsors, while peripheral changes included changes in goals[29], structures, executive officers and location.

In response to external and internal changes organizations implement a wide variety of strategies. Cameron et al. (1987:223) summarize these as "eliminating ambiguity, buffering the technical core, and designing systems that can scan the environment..." The first process, "eliminating ambiguity," refers to clarification of goals, procedures and so on; "buffering the technical core" refers to protecting the job-related knowledge and skills of staff (in service organizations, Scott, 1981:17); and "scanning the environment" refers to increased surveillance of changes in the environment. These strategies allow the organizations to manage uncertainty in their environment and to better control the acquisition of critical resources (Cameron et al., 1987:223).

Not all organizational responses, however, are adaptive; feelings of crisis and stress often result and lead to behaviours that are counter-productive to survival. These may include rigidity, scapegoating, secrecy, conservativeness, and conflict. By preventing or slowing down the adaptation of the organization, these behaviours could lead to organizational decline. They may lead to loss of leadership credibility, loss of innovativeness, low staff morale, decreased information sharing, poor planning practices, and, eventually, decreased effectiveness in providing services. They may, therefore, hasten the death of an organization (Cameron et al., 1987: 226).

Innovative organizations[30], such as the one studied here, face special problems in organizational transformation. The organizations may drift away from the ideals and intentions of the founders because of changes in recruitment emphasis, recruit socialization by informal means as the result of loss of contact between founders and recruits, loss of founder charisma, and formalized structures discouraging innovative and energetic recruits. The importance of leaders in keeping an innovative organization on track should be emphasized. Leaders must provide managerial and institutional leadership, that is, leadership in embedding the ideology of the founders into the organization's structure and operations (Lodahl and Mitchell, 1980:185-6). As Lodahl and Mitchell (1980:186) explain:

> In order to maintain their thrust and their members' energy, such pioneers are forced to rise above mundane preoccupations with accounting, finance, materials, and methods. They must create symbols, language, ritual, and organizational structures, not knowing to what degree they might support or subvert the intended innovations.

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29. It should be noted that they originally predicted goals and structural changes to have significant effect on the mortality of volunteer service organizations, but this was not confirmed by the data. The authors speculated that these kinds of organizations were more likely to be "extensions" of their leaders and might, therefore, be more influenced than other organizations by the intents of dominant coalitions or individuals within them, allowing for relatively easy changes in structures and goal (Singh et al, 1986a:608).

30. Lodahl and Mitchell (1980:184) define an innovative organization as "one trying to do something new or different from others of its kind."

Leaders must be able to fit the organization into the historical and cultural context of the time yet must instill its members with an "almost religious fervor" because the ideology of the founders goes beyond the status quo. The founders serve as the source of identity, and their activities become the basis of myth and ceremony. Their overall behaviour guides the organizations through birth and transformation (Lodahl and Mitchell, 1980:186-7).

As time goes on, the danger becomes that commitment to the founders' ideology will shift to a commitment based on "techniques, department, or self-interest" (Lodahl and Mitchell, 1980:187), that is, staff may become more concerned with carrying out a routine, internal politics or personal gain. These organizations, therefore, must concern themselves not only with consolidating organizational structure, performance and place in the environment, but with remaining true to their ideals.

Decline and death in organizations, unlike their counterparts in the biological life cycle, are not inevitable, however, they are common. Organizations "place a premium on predictability and stability in transactions with the environment" (Cameron et al., 1987:223). If the environment changes quickly, unpredictably or significantly, the organization must adapt rapidly if it is to survive[31]. Failure to make the appropriate and necessary changes may well lead to decline (Weitzel and Jonsson, 1989:92). After reviewing the numerous definitions of organizational decline, Weitzel and Jonsson (1989:94) suggested the following: "Organizations enter the state of decline when they fail to anticipate, recognize, avoid, neutralize, or adapt to external or internal pressures that threaten the organization's long-term survival."

Decline can begin at any time, including at birth as mentioned above, or after a period of expansion if it has been excessive or inappropriate. The organization's survival of the critical times in its history is the result of the development of successful coping responses (Weitzel and Jonsson, 1989:95).

Cutbacks and retrenchment are not necessarily the same as decline. Cutbacks are reductions in personnel, output, equipment or services; retrenchment is a variety of responses aimed at increasing effectiveness including cost-cutting, accelerating research and development and increased advertising. Unlike decline they are both indicators of short-term action taken to increase long-term survival (Weitzel and Jonsson, 1989:95).

Decline occurs in five stages; blinded (to problems), inaction, faulty action, crisis and dissolution. At any stage except the last, the organization may be turned around and death avoided (Weitzel and Jonsson, 1989:97). Organizational decline may be functional as well as dysfunctional in that it can lead to review and revitalization (Cameron et al., 1987:236).

Organizational culture:

The organic perspective also focusses on the dominant culture within the organization, that is, the "core values and beliefs shaping patterns of corporate culture and subculture" (Morgan, 1986:62)[32]. Because of the Native origins of the organization,

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31. Turbulence within an organization should not be confused with absolute decline (Cameron et al, 1987:223).

32. As mentioned earlier, a number of insights were taken from the "cultural" perspective as well.

cultural conceptions were particularly important.

Historical factors shape the culture of an organization in that it is created by social processes, images, symbols and rituals inside and outside the organization (Morgan, 1986:124). Corporate culture can have decisive influences on the ability of an organization to meet the challenges it faces. Culture influences the way staff see the organization and its environment, and how they interact with each other. It can be "integrated" in that all staff may have similar values, or "fragmented" so that conflict occurs over values (Morgan, 1986:121). Culture is often based on the attitudes and vision of the top staff who define and "sell" the organization's view of reality to others. Other organizational staff also contribute and, as a result, a culture is seldom homogeneous. Many aspects of culture are embedded in the routine aspects of day to day organizational life (Morgan, 1986:121-136).

Organizational structure:

The organic perspective suggests that, like living organisms, organizations are made up of a number of internal subsystems which work together to keep the organization functioning. These parts cannot be reduced to the "relations between the parts, causes and effects, stimulus and response" (Morgan, 1986:46), but should be seen as the intertwined, interdependent relationships among structures, functions, behaviours and other features, including the environment (Morgan, 1986:45-49).

Burrell and Morgan (1979:168-181) suggest that organizations are comprised of four interdependent subsystems:

1. the strategic control subsystem, which is comprised of policy-makers and senior managers responsible for monitoring the environment, making key decisions and balancing the operations of the subsystems;
2. the operational subsystem, which converts inputs (such as clients, labour, funding) into service-type outputs using informational and material technologies;
3. the human subsystem (personnel); and
4. the managerial subsystem, which integrates and controls the organization internally (as opposed to the strategic control subsystem, which operates primarily externally) as seen in authority structures and management styles.

There is no one best way for an organization to be structured; the structure is dependent on the tasks to be performed and the type of environment (Morgan, 1986:49)[33]. A number of typologies of organizational structure have been suggested based on, for example, their profit/nonprofit status, their societal function (e.g. educational, agricultural, or medical); their compliance with authority; who benefits from them; and the contingencies they face (Hall, 1987:47-51). Because the Agency will not be compared directly to other organizations, I decided to focus on other analytical concepts. In future research, it would be interesting to develop a typology of Native-operated organizations and to see where the

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33. For a classical discussion of organizational structure, see Burns and Stalker (1961).

Agency would fit.

The four aspects of the organic perspective—needs, life cycles, culture, and structure—were used to look for internal and external factors that threatened the Agency, and to look for the Agency's responses. Organizational needs were particularly relevant to threats, and organizational life cycle patterns were particularly useful in investigating changing needs over time. Cultural and structural concepts were particularly useful for seeing how patterns might differ for a Native organization as opposed to a non-Native organization.

The organic metaphor in organizational analysis has limitations, one of the most important of which, in the context of research on Aboriginal-operated organizations, is that it makes an assumption of "functional unity," that is, that harmony can and should be achieved in and between organizations. Conflict is seen as dysfunctional. The perspective, in general, gives short shrift to the role of power (Morgan, 1986:75)[34]. As is evident from the socio-historical context of this study, conflict and political relations are a very important part of the Agency's environment (even though internal harmony is a general Native value for individuals, communities and organizations (see Bopp et al., 1984)). As a result, it was necessary to go to a macro-level theoretical framework, critical criminology, to find insights with which to analyze some of the Agency's interactions with its environment.

CRITICAL CRIMINOLOGY

The environment of Native-operated criminal justice organizations is characterized by political and economic conflict. While the social organizational ideas presented above can assist in explaining how environmental turbulence threatens organizations and how they respond, these concepts are inadequate for explaining the development and nature of the turbulence.

Critical or Marxist criminology[35] (which gained prominence in the mid-1970s as the result of the work of Taylor, Walton and Young (1973)) looks beyond power relations to the underlying political and economic systems to explain criminal behaviour and the operation of criminal justice (Vold and Bernard, 1986:300). Marx linked economic development to social, political and historical changes (Vold and Bernard, 1986:300). He saw capitalist society as an "antagonistic whole" composed of two classes—wage labour, or the proletariat, and capital, or the ruling class (Tucker, 1978:xxix). Their relationship, that is, the social relations of production, are characterized by conflict over the distribution of goods produced by the material forces of production, that is, society's capacity to produce goods through technology, knowledge, skill and organization (Vold and Bernard,

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34. It should be noted that not all organizational perspectives ignore questions of conflict and power. See, for example, Morgan (1986:273-319) and Hall (1987:123-148).

35. Marxist-influenced critical criminology encompasses a variety of theoretical frameworks. Hinch (1992:278-86) categorizes these as instrumentalism, structuralist Marxism, a theory of contradictions, and left realism. Similarly, Ratner (1987) categorizes them as instrumentalism, structuralism, class-conflict, and capital-logic.

1986:300-1).

The worker sells his labour to the capitalist employer and receives, in return, a wage less than the value of the goods or commodities produced. The remaining value, the "surplus value," is kept by the employer, whose long-term aim is to maximize the amount of surplus value that can be exploited from the workers through mechanisms such as lengthening the work day and the mechanization of production (Tucker, 1978:xxx). The two classes become polarized as rich and poor—the "contradiction" of capitalism, which acts as an obstacle to the development of the material forces of production, that is the production of goods (Vold and Bernard, 1986:302). Marx saw this relationship between labour and capital as the basis of society and all other institutions as arising out of it (Tucker, 1978:xxix-xxx). The foundation of society was therefore economic with other institutions, such as the state, family structure and ideologies being influenced by it (Abercrombie et al., 1984:25-6)[36].

As a result of this process of exploitation by capital, workers become alienated from their natural connection with what they produce. The lot of the labourer, therefore, is constantly under threat of "an accumulation of misery" through increasing poverty, monotonous work and unemployment. Marx believed that unemployed or underemployed people (the "relative surplus population") become demoralized and subject to all forms of vice and crime. As members of this "lumpenproletariat" they were the parasitical and "dangerous classes" who lived off the labour of the working class (Marx, 1978:429; Vold and Barnard, 1986:303; Taylor et al., 1973:217).

The only solution to this dehumanization of the working class is the development of a new, more natural, more cooperative mode of production which can only be achieved by revolution leading to socialism. (Tucker, 1978:xxix-xxxii; Ritzer, 1988:22).

Marx did not write a great deal about crime or the administration of criminal justice (with the exception of law) (Taylor et al., 1973:211)[37], but his work inspired a new generation of theorists who did. Out of classical Marxism has arisen a broad range of neo-Marxist theories, many of which exhibit irreconcilable differences (Ritzer, 1988:12). Critical criminology has been influenced by both classical and neo-Marxist frameworks[38], and developed a number of theoretical divisions (see Hinch, 1992; Ratner, 1987).

Critical criminology relates criminal behaviour and crime control policies to the political economy of the societies that produce them (Vold and Bernard, 1986:305). Criminal control policies, particularly law, reflect the dominant ideology, that is, the ideas of the dominant classes about the appropriate forms of human relationships. The fundamental purpose of law is to protect the capitalist social order. Law enforcement is carried out by workers delegated authority (or co-opted) by the state, and its ideology[39], to

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36. There has been a great deal of debate about the exact nature of this relationship between "base" and "superstructure" (see Abercrombie et al, 1984:25-6).

37. In addition to seeing criminals as parasitical members of the lumpenproletariat (Taylor et al, 1973:217), Marx may also have seen crime to be an individual struggle against the conditions of capitalist exploitation (Vold and Bernard, 1986:303).

38. See, for example, Taylor et al (1973:237-267) and Hinch (1985).

39. The state will be seen in this study as mediating between the two conflicting

secure and punish those who violate the law (Michalowski, 1985:28-32).

In general terms, critical criminology sees the function of criminal justice administration as follows:

> It must be emphasized that the law and criminal justice apparatus of the state serve as a vehicle for the articulation and realization of ruling-class interests. They operate to create and legitimize in the public mind a distinction within the labouring population which mirrors the needs of capitalist production. Those deemed by this capitalist order to be useless, unproductive or surplus labour are transformed in the minds of a large portion of labour itself into a criminal class of thieves, drunkards, and idlers; in short, a class of the socially undisciplined. This serves to mask the needs of capital—needs such as surplus labour, a stable social order, and a disciplined work force—particularly in times of high unemployment. By transferring the problem produced by these needs to the terrain of law and order, reflection is shifted away from its causes. (Gaucher, 1987:169)

Rather than adopt one or a combination of the critical criminological frameworks, none of which suit the data wholly, I chose two general premises that gave particularly useful insights into the nature of the Agency's environment and the macro-level context which determined it. These were the state's need for legitimacy and the use of the criminal justice system to control problem populations.

Legitimation:

The effectiveness of the state and the legal order depends on the extent to which they are perceived to be legitimate (Vold and Bernard, 1986:307). According to O'Connor (1973:6,7,70), the state must create conditions allowing capital accumulation of profit (at the expense of other classes), but must also create conditions of social harmony that allow this to happen. Coercion is not the most effective strategy; instead, the state builds loyalty and support through a process of "legitimation." State legitimacy is a desirable if not necessary element of an effective and stable legal order. It invokes "explicit or implicit justifications for the authority of an order on the one hand and the development of a concomitant sense of obligation on the part of subjects or citizens on the other" (Friedrichs, 1980:541).

Crises of legitimacy may occur and are characterized by "a significant erosion of faith in leaders and in governmental institutions, disillusionment with the basic values on which those institutions are based, and the perception that those institutions are ineffective" (Vold and Bernard, 1986:357)[40].

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classes, capital and labour, but on the behalf of capital (Brickey and Comack, 1986:19) The capitalist class, however, is not a "cohesive entity" but has divergent political and economic interests. In order for the state to serve the long-term interests of capital it must transcend the interests of these factions and maintain its independence from them (Smandych, 1985:89).

40. Friedrichs (1980) analyzes the different aspects of "legitimacy crisis"

In response to legitimation crises the state establishes various branches and bureaus, such as health, welfare and criminal justice services (O'Connor, 1973:69-70) that are aimed at defusing lower class disillusionment and controlling lower class behaviours. During economic or political crises the legitimacy of the state to provide criminal justice services may be questioned by minority, civil liberty and human rights groups as it was during the 1960s, a time of social conflicts and changing values. The then-minister of the Department of Justice called this time period "an age of confrontations," referring to a "crisis of legitimacy" and a "crisis of authority" (quoted in Hastings and Saunders, 1987:127). The political crises of the 1960s, for example, provided Native people with object lessons in change and raised questions among Natives and non-Natives about the "internal colony" status of Indian communities (Miller, 1991a:223). "Red Power" was a direct off-shoot of these movements.

Critical criminology would likely include Aboriginal-operated criminal justice services among these bureaus and, thus, control agencies.

Control of problem populations:

One of the functions of the state is to "repress individuals and ideas threatening to the state or the underlying economic organization it is designed to protect" (Michalowski, 1985:164). The organizations that make up the criminal justice system are the main instrument of this repression. Groups that threaten the state's ability to govern are "problem populations," or as Spitzer (1975) defines them, groups which threaten the social relations of production. They do this by calling into question, through not only their political actions but by their day to day behaviour, the key components of the capitalist system, such as the capitalist modes of appropriating the products of human labour, the social conditions under which capitalist production takes place, the patterns of distribution and consumption, the process of socialization for production, and the ideology that supports society (Hagan, 1984:138-9).

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including the authenticity of the claim of crisis, measurement of crisis, and the dimensions of crisis. He categorizes the structural causes of crisis (of particular interest to this research because of the centrality of the concept of legitimacy to the relationship between the Agency and the state, as discussed in all four cases) as the effects of mass society, of the capitalist system, or of traumatizing national events. Mass society may lead to crisis because of alienation, diversity of values, impermanence, and loss of community. The capitalist system may engender a crisis because of its inherently oppressive and exploitive nature; and traumatizing national events may lead to crisis when actions of the state do not meet the expectations of citizens and constituents (Friedrichs, 1980:546-9). Based on his analysis, legitimacy crises within the dominant society may be rooted in all three, but it is likely that Aboriginal peoples are challenging state legitimacy because of "traumatizing national events," specifically, the state's failure "to intervene or solve a perceived problem" (Friedrichs, 1980:549), in this case the desperate socio-economic conditions of Aboriginal peoples. Ineffectual state policies and programs have led to profound distrust by Native communities as the state has failed time and again (from the Treaties onwards) to live up to its promises. See, for example, Miller (1991b), the title of whose book says it all: *Sweet Promises: a Reader on Indian-White Relations in Canada.*

Spitzer divides problem populations into two sub-categories: "social junk" which, from the point of view of the dominant class, is a costly yet relatively harmless burden to society; and "social dynamite" which is characterized by its potential to actively call into question established class relationships. He describes the social junk population as passive and unable or unwilling to compete in the social order. It includes groups such as the aged, mentally ill, handicapped and mentally retarded. Social dynamite is more youthful, alienated and politically volatile. Whereas social junk is usually administered through welfare and social service organizations, social dynamite is usually administered through the criminal justice system, although there is an overlap, for example in the case of alcoholics, the welfare poor and problem children (Spitzer, 1975:645-6).

Where Native people were once categorized as social junk because of their relative lack of involvement in Canada's political and economic systems[41], and their generally disadvantaged position as indicated by high mortality rates, poor housing, low occupational status, low educational attainment and alcohol abuse (See Siggner, 1992; Frideres, 1993:127-219)—they have more recently and quite spectacularly evolved into social dynamite as indicated by increased political militancy and an increasing willingness to move outside existing dominant society laws (Frideres, 1993:508-9).

Spitzer (1975:648-9) suggests four state strategies for handling problem populations such as Aboriginal offenders involved in the criminal justice system. These are:

1) normalization, i.e. reducing the scope of deviance processing by creating "invisible deviants" who are not visible in the system. This could mean decarceration; preventing offenders from entering the system through crime prevention or diversion programs; processing offenders through the system as fast as possible by using day parole and full parole; or putting offenders in the care of private agencies. 2) Conversion, i.e. encouraging the direct participation by potential trouble-makers in control efforts. In the criminal justice system this means hiring or contracting with members of the problem population to work as front-line staff or to operate programs, thereby using their knowledge and life experience to assist in the control of their fellows. 3) Containment, i.e. classifying the population as homogeneous and using geographic segregation and informal and formal sanctions to administer it. In the criminal justice system this means the establishment of separate services to compartmentalize and segregate problem offenders from the mainstream. 4) Provision of support for criminal enterprise so that greater power is given to organized crime, allowing it to create a parallel opportunity structure that

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41. There was very little Indian contact with the criminal justice system before the 1950s. The Manitoba Inquiry (1991:75), for example, reported that: "Canada's laws and police impinged increasingly on the daily life of Manitoba's Aboriginal people after 1950 and the consequence has been disastrous for the Aboriginal community." Statistical evidence for this is unavailable because of the inadequacies in record-keeping at the time (Canadian Corrections Association, 1967:21; Schmeiser, 1974:14). Allusion is made in the Hawthorn report (1966:127) to a correlation between the rising incidence of crime and delinquency and the "unprecedented economic growth" after World War II, and the Canadian Corrections Association (1967:21) states that the percentage of Indians incarcerated in a Roberval, Quebec jail rose from 17% in 1960 to 29% in 1965 (probably the earliest statistics available).

supports individuals who would otherwise be a burden on the state. As well, by controlling their own, the criminal substrata assists the state to maintain order[42].

Of concern to this research is that Aboriginal peoples might be a problem population to the state and, therefore, controlled by the criminal justice system. The criminal justice system has been used to enforce discriminatory laws (See Moss and Gardner-O'Toole, 1992) and, more recently (as will be suggested later), to co-opt Aboriginal peoples "to police their own," and to assist the state to legitimize itself as service provider to and governor of, Aboriginal peoples[43].

Numerous criticisms from a variety of perspectives have been levelled at Marxist theory in general and critical criminology by implication. Few of these have any impact on this study, although one should be noted, and that is that Marxism's exclusive preoccupation with class leads to inadequate explanations of some political problems (Van den Berg, 1988:492-3). This ties in with a criticism that Marxism, which was imported from Europe, needs to be grounded in the specific structure and history of Canada (Snider and West, 1985:141). A theory grounded in the Canadian context must take into account the colonization and subjugation of an Aboriginal population that, as discussed earlier, historically has held a unique place in the Canadian socio-economic structure.

Political struggles between Aboriginal peoples and the state in Canada are rooted more in race than in class. An argument could be made (as is mentioned elsewhere in this chapter) that Aboriginal peoples are an underclass, but this does little to illuminate the issues of political decolonization. This problem with Marxist theory will be kept in mind during the analysis of the data.

These two ideas—legitimacy and control of problem populations—will be used to investigate the turbulence within the Agency's environment, particularly in terms of the Agency's relationship with the state. Whether or not these ideas can be applied to the state's political opponents, the Native political organizations, was a question that arose during the analysis and will be addressed in the final chapter.

CONCLUSIONS

The research questions (what factors threaten organizational survival and what are the organizational responses to these) can now be looked at in light of these theoretical frameworks, as well as the socio-historical context. The social organizational framework suggests that looking at organizational needs, life cycles, and culture will help in the analyses of these questions; the critical criminological framework suggests that looking at

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42. Spitzer's model, which is concerned with the structure of control and deviance in society as a whole, has been criticized as suffering from "a crudeness at the level of understanding of the multifarious phenomena involved in social control" (Rodger, 1988:566). This criticism was kept in mind during the data analysis.

43. Examples of inequities perpetrated against Aboriginal peoples by means of the criminal justice system can be found in the reports of various task forces and inquiries over the last 25 years (such as Hawthorn, 1966; Canadian Corrections Association, 1967; the Marshall Inquiry, 1989; the Manitoba Inquiry, 1991).

state legitimacy and use of the criminal justice system to control problem populations will also provide assistance in the analyses. When these are woven together, it is likely that factors leading to organizational crises are related to the historical relations between Aboriginal peoples and the state, in particular, the need for state legitimacy and control over problem populations. At the organizational level, it is likely that these relations will be reflected in control through funding dependencies and organizational competition rooted in self-determination. As changes occur over time in this environment, these relations will change and be reflected as life cycle changes in the organization.

Responses to crises should also be rooted in the interaction between the state and the Native communities. It is likely that the Agency will try to meet the needs of both the state and the Native political organizations because of its dependence on these groups for valuable resources. At the same time, however, the Agency will be trying to maintain its autonomy from control to provide services unimpeded.

Both groups also should be dependent on the Native criminal justice organization for valuable services. In the case of the state, the organization should help it maintain its legitimacy by fulfilling the state's mandate to provide services to Aboriginal offenders. In the case of the Native political organizations, the Agency should be a resource in a number of organizational areas. This mutual dependency, I anticipate, will allow the Agency some leeway in negotiating demands that it cannot or does not want to meet.

There is little doubt that, if the current goals of Aboriginal organizations are even partially fulfilled, there will be many Aboriginal organizations providing criminal justice services some time in the future. All of them will be caught in the political interface between the state and the Native communities. It was my intention with this research, by studying in depth the history of one such organization that has successfully survived, to develop a description and explanation of the kind and the origins of conflicts and problems that threaten Aboriginal service organizations, and of the successful (and not so successful) responses made by these organizations to counter such threats. Such an analysis may prove a valuable resource for future and existing Native-operated criminal justice organizations.

CHAPTER 3: METHODOLOGY

Because of 1) the lack of empirical and theoretical work about the relatively new phenomena of Native-operated criminal justice services, 2) the wide scope of the issues, and 3) the unique opportunity I had to study an Aboriginal organization, I decided to take an exploratory and inductive approach. I also thought that this might be the best way to capture "the Native voice" of the organization, that is, be open to concepts arising from a Native cultural perspective.

Incorporating the Native voice of the organization was also important because the state is usually the main focus of research arising from a critical criminological paradigm. This encourages ethnocentrism since the state is an overt manifestation of the dominant society. Because the focus of this research is an Aboriginal organization, it is important to resist defining it in the state's terms. The state, as it interacts with the Aboriginal organization and the Aboriginal community in general, is the secondary focus.

In this chapter the general methodological orientation, the case study approach, data sources, limitations of the methodology, and partial solutions developed for these limitations, are discussed.

GENERAL METHODOLOGICAL ORIENTATION

In sociological research, two methodological goals are often contrasted: theory verified by logical deduction from a priori assumptions, and theory generated from "data systematically obtained" (Glaser and Strauss, 1967:2-3), that is, inductively-generated theory. Glaser and Strauss suggest that grounded theory, that is, theory generated from data, will not only be more readily applicable to the data, but will also be more relevant and better able to explain the behaviour under study (1967:3).

While I didn't use a grounded theory approach, as such, I looked to it for methodological insights because I wanted to diminish cultural ethnocentrism, and to incorporate the need of Aboriginal people to express themselves in their own words (within the parameters of the research).

CULTURAL ETHNOCENTRISM

While the objective of social research is to capture and understand the "reality" of social action and interactions, it must be recognized that theories and methods in general are culture-bound. This presents a particular problem in studying organizations outside the boundaries of the country or culture where the theory was developed, or in this case, in dealing with what has been described as a culturally distinct group within the country (Hofstede, 1980:372-373). Rather than impose a structure rooted in a non-Native, dominant society perspective, I hoped that by working as much as possible from the data to

the theory, some of this "methodological imperialism" might be avoided, or at least reduced so that the subtle differences in ideas that could emerge from another cultural framework might not be masked or overwhelmed[1].

ABORIGINAL VOICE

While the task of social research is to develop analytical frameworks that explain and predict social behaviours, it has been the unfortunate case in the past that explanations and predictions based in certain cultural contexts and meanings of the powerless, marginalized groups under scrutiny. Their meanings are interpreted into supposedly "objective" western-based meanings. This has the potential to denigrate and alienate the groups under study. There are very few Native researchers active in the area of criminal justice administration. As a result, studies are usually coloured by the cultural biases of non-Native middle-class investigators, many of whom are in the pay directly or indirectly of the state, and therefore follow state priorities[2]. An alternative is to try to keep and incorporate the meanings of Aboriginal peoples into the research. I hoped that, in going from the data to the theory, that there might be a greater possibility that the research results would reflect Aboriginal culture and philosophy and would be of use to Aboriginal communities, as well as serving scholarly purposes.

I was also aware that one of the two theoretical frameworks that I was using, critical criminology, has a tendency to stray from the data, that is, it becomes enveloped in questions of theory rather than staying grounded in the empirical data of day to day organizational operations. The theory may then be "uncomfortably applied" to the data (Gaucher, 1987:167-168). While linking critical criminology with a social organizational perspective might have overcome much of this problem, I thought a more grounded approach would also help.

During the initial stages of the research I tried to keep to a minimum, preconceived questions and ideas that came from outside the data, looking instead for patterns and concepts to emerge from the data (Glaser and Strauss, 1967:6,33). It wasn't possible to keep out all preconceived notions (such as the need for an organizational level of research or the importance of the environment) but these were checked against the data as the research progressed to ensure that they matched. In other words, an effort was made to match the theory to the data instead of vice versa.

The combined social organizational-critical criminological theoretical framework was chosen after preliminary data were gathered and discussed with the key informant. That is, the person who was the one "source" of information for this research. It was found that a combination was needed, since neither critical criminological concepts nor social organizational concepts completely fit the data.

The majority of the questions and ideas I used to gather and analyze the data were

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1. Although I have had extensive experience working in and with Native organizations, my background is not Native, nor was my academic training.

2. Since I also fit this description, it was even more important to take precautions. I saw awareness of the problem as the first step.

developed at the very beginning of the research process. At this very preliminary stage, my main guide to data gathering was the rather hazy research question "What enabled a Native criminal justice service organization to survive over time?" I gathered data from documents from other Native courtworker organizations and Agency documents, and had extensive conversations with Agency staff. The first thing that became apparent to me was that I was actually asking three questions: "What factors affect the existence of Aboriginal criminal justice organizations?", "What responses can Aboriginal criminal justice organizations make to cope with these threats?" and "Was there anything especially 'Native' about the threats or responses?"

THE CASE STUDY APPROACH

The methodology best suited for exploratory work in studying an organization like the Agency and its interactions with its environment is the case study. Case studies are particularly valuable because of their ability to provide description (Dunkerley, 1988:91) and to place the structure and operation of the organization in a broader context (Crompton and Jones, 1988:80). A contextual focus requires a more long-term perspective than is often found in research on organizations. Selznick, for example, stresses that a holistic and contextual perspective is needed to look at the "natural history" of an evolving organization (Scott, 1981:494).

According to Yin (1984:23) "a case study is an empirical inquiry that: investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used."

Case studies are the method of choice when the organization under study is a "revelatory" case study, that is, an investigation of a phenomenon not previously open to research, such as an Aboriginal organization like the Agency (Yin, 1984:43). Case studies can be exploratory, descriptive, explanatory or a combination of these (Yin, 1984:16). I intended this case study to be mainly exploratory, with the development of explanations for the answers to the research questions as the end-product.

Case study designs can also be differentiated by the units of analysis they use, so that a case study can be either holistic or embedded. A holistic design investigates an organization as a single entity; an embedded design investigates sub-units of the organization, although it eventually returns the analysis to the total organization (Yin, 1984:41-42). This study is primarily holistic, in that the Agency is the focus of the analysis; however, I found it necessary to include some embedded aspects in that some of the Agency's programs became the objects of my focus because of their significance in organizational problems or responses to problems[3].

Case studies can also be single-case or multiple-case studies (Yin, 1984:41-42). This study is a single case study. It will, hopefully, be the basis of a series of case studies

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3. While the Agency is also embedded in the criminal justice system, a factor that was important to this research, this kind of systems embeddedness is not addressed by Yin.

of other similar organizations and together they will eventually comprise a multiple case study.

Because I was interested in the changes that occurred within the Agency over time, but was restrained by time and cost considerations, I chose to focus on a "sample" of negative events within the organization's history[4]. In a preliminary round of data collection, I uncovered four time periods that contained serious organizational problems. I identified these events as problems either because they were labelled as such by Agency staff or because evaluation studies of other courtworker organizations reported similar events as problems. Each of these periods was chosen as one point of exploration. I looked for underlying concepts and patterns from which possible answers to the research questions could be developed. These periods were:

1) 1970-71 – Start-up problems were rooted in the historical relations between the state and Aboriginal peoples. Problems included difficulties with Native political groups trying to use the Agency for political purposes; difficulties in establishing legitimacy with the Native communities, the state and the criminal justice system; and lack of financial resources.
2) 1974 – This was a relatively minor problem as the expectations of the Native community exerted pressure on the Agency's board of directors to take over administrative control of the Agency.
3) 1989 – Pressures from the state to bureaucratize and meet state needs, in conjunction with demands from the Native communities to provide more services and to be more responsive to community cultural priorities caused the Agency to over-extend itself. The crisis was precipitated by a large projected deficit.
4) 1990-91 – Self-determination initiatives by Indian bands, aided and abetted by the state, encroached on the Agency's programs and threatened, in the long term, to whittle away the Agency's services until it would no longer be a viable organization.

Concepts and patterns that emerged from each period were compared to each other and to the theoretical framework, then conclusions were drawn, as found at the end of each data analysis chapter and in the final chapter.

DATA SOURCES

Because of the exploratory nature of this research, qualitative methods were the most suitable. Data collection was not routinized in keeping with a case study approach (Yin, 1984:62). Primary methods that I used were interviews, the analysis of archival

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4 This may have given a rather biased view in that I didn't focus on an equivalent number of positive events. Rather like crime prevention, it is difficult to know when a crime/problem has **not** occurred because of actions taken. Negative events forced the Agency to respond (in some manner).

interviews on audio tapes, the content analysis of organizational documents, and observation. Secondary data sources included government annual reports and press releases; correspondence; newspaper clippings; and historical literature. I knew of some of the resources at the beginning of the research; I found others as the research progressed.

I did new interviews to update and supplement the archival audio tapes. I carried out interviews with Ed Smith (a pseudonym for the director of the Agency); several Agency senior managers; and a provincial government senior manager, for a total of 8 new (as opposed to archival) interviews. Ed Smith was the key informant for the research study and his assistance was invaluable. I found, and this was confirmed (and said better) by various respondents and documents, that Ed Smith and the Agency were "so closely linked that one cannot tell one story without telling the other" (Agency newsletter, October, 1977).

The interviews were relatively structured and designed primarily to get answers to specific questions. They were taped and transcribed later. I also held a series of conversations with these individuals, as well as with other current and former Agency staff members and with members of the Native community. These conversations were often of a casual nature and therefore not taped, but I later reconstructed them in my field notes, as I did accounts of unusual behaviour and my reflections on events (See Bogdan and Bilken, 1982:85-89).

Transcripts of the Agency's archived taped interviews formed the core of the study. I carried out forty-seven (47) interviews between 1987 and 1988 as part of a project to write an as-yet-unpublished history of the Agency. Another two interviews were carried out shortly after by another researcher. While the questions I asked in these interviews were not of an analytical nature, many directly or indirectly answered the research questions. Seventeen Agency staff, six former staff, seven former and contemporary federal government managers, six former and contemporary provincial government managers, and five important actors in the environment, including judges, Elders, and the leaders of other criminal justice organizations, were included. The state "managers" included members of the legislature and federal and provincial deputy ministers. Contemporary and former Agency staff included Native Elders, band councillors, government employees, the directors of other Native service organizations, and members of Native political organizations. I also consulted field notes from untaped conversations with ten other respondents from these categories. None of these respondents could be identified separately because of the danger to the anonymity of the Agency and to the anonymity of the individual respondents.

The organizational documents I used included memos, annual reports, contracts, the previously-mentioned unpublished organizational history, submissions by the organization to provincial and federal levels of governments, and minutes of meetings. Annual reports or retrospective statistical summaries were available for all years except 1970-71. I collected memos and other documents by going through the Agency's "Archives," a filing cabinet containing an eclectic and unsystematic collection of documents; the research department's reference files; the executive secretary's reference files; and the central filing system, for specific items only. The minutes of meetings from early years were "raw," almost verbatim, and very informative, however, by the mid-1970's the minutes were being "polished" that is, edited and revised. At this point their main use became the chronological location of events and issues.

The unpublished history of the Agency, running some 600 manuscript pages in length, provided a chronology of the Agency's history as well as containing clues to and occasionally details of organizational crises, achievements, management philosophy and environmental context. It should be noted that I couldn't use this document to verify the archival interviews since these interviews were the main source for the history.

Observation was carried out over an eleven month period, as well as "retrospectively." This last requires some explanation—I was a middle manager for the Agency for 10 years. My job required an extensive knowledge of the Agency's history, structure and operations. As part of my duties, I was responsible for the production of the archived audio tapes and the unpublished Agency History. To try to make use of my experiences as part of the study, I wrote a log of my assumptions, reflections and memories of the Agency, because, as Bogdan and Bilken (1982:84) suggest: "Put up front, they can be confronted and measured against (compared with) what emerges in the course of the study" and, therefore, become a source of data as well. I occasionally used these retrospective observations as a primary source of data but, on the whole, I relied on them more to help with conceptualization and data verification. My former participant status made it easier to redevelop my empathy for the motivations and meanings behind the actions of the organization. It also gave me a better feel for what it was like to live through the years of Agency History before I was hired and after I resigned.

I started new observations in February, 1991, mainly to refamiliarize myself with the organization and to get up-to-date information on organizational activities. I took a modified peripheral membership role, that is, a role in which "the researcher's own perspectives, experiences, and emotions become equally important to the accounts gathered from others." (Adler and Adler, 1987:34). A peripheral member does not participate in the core activities of the organization but maintains frequent contact, and tries to obtain (or in my case, renew) trust and acceptance from the members. The observer draws on personal familiarity or friendship with informants but tries to maintain a degree of emotional distance. This kind of marginal role may call for exchanges of information and services, as well as a constant need to prove trustworthiness (Adler and Adler, 1987:36-49), two difficulties that did occur but which I overcame by keeping Agency members up to date on an informal basis about my research findings, and by reminding new staff, especially, of my former membership. All my observations were recorded in field notes.

LIMITATIONS AND SOLUTIONS

Possible limitations of my study that had to be counteracted included: lack of external validity, lack of construct validity, lack of reliability, lack of rigour, massiveness of data, incomplete documentation, misinterpretation of documentation, recency of data, ethical considerations, and possible negative Native community reactions to my research.

Case studies in general suffer, from the problem of external validity or generalizability. While to some extent the Agency is representative of the universe of Native criminal justice organizations in Canada, the history, structure and philosophy of each one is different. Considering the range of Native cultural groups, community priorities and dominant society responses to the so-called "Native problem," it is entirely appropriate that

this should be so. On the other hand, the relationship between the Agency, the state and the Native communities is quite similar to that of other Native criminal justice organizations. The majority of them, including the Agency, are funded through cost-shared contracts between a federal funder (usually the Department of Justice) and a provincial/ territorial funder. Most of them at one point or another have also attempted to expand their services based on Native community needs. All must operate within a climate dominated by discussions of Native self-determination and economic recession. Even so, the concerns regarding generalizability are serious enough that some response is necessary. Dunkerley (1988) recommends a "descriptive posture" for case studies rather than an analytic one because of the dangers of generalizing from just one case. Yin (1984:2) is even more specific in his assessment, stating that case studies, like experiments, "are generalizable to theoretical propositions and not to populations or universes...the investigator's goal is to expand and generalize theories...and not to enumerate frequencies..." As a partial solution, some comparison with other courtworker programs was included (see Chapter 8). The only real solution, however, is to make this study the basis of a series of comparative studies both inside and outside Canada.

Construct validity and reliability also are problematic with case studies. As pointed out in numerous social research texts, one source of data cannot be trusted, corroboration is needed (e.g. Babbie, 1983:301). In order to improve construct validity, I used multiple sources of data (Hofstede, 1980:18). I checked interviews, archival interviews, observation, and documentation against each other to clarify inconsistencies, to uncover inaccuracies, and to check the significance of concepts and patterns. Because so much of the data originated within the Agency, whenever possible I consulted outside resources such as interviews, government documents and newspaper clippings. Another reason that I partly relied on outside sources was to overcome a possible cultural obstacle in that, as a non-Native respondent pointed out, "Native people by and large do not blow their own horn and tell everybody how good they are." (Provincial manager, May 12, 1988).

I also asked the key informant to review several drafts of the final report for accuracy and to make suggestions. I set up a chain of evidence using field notes, transcript codes, and references within the body of the report so that it is possible to follow the study from research questions to conclusions.

Reliability was enhanced by developing a case study database so that replication of this study might be possible (Yin, 1984:41), although it should be noted that studies using triangulated methods are exceedingly difficult to replicate (Jick, 1989:146).

Case studies have been criticized for their lack of rigour. I overcame this to some extent by verifying equivocal data with other sources. Another criticism is that case studies are simply too massive, but Yin (1984:21) suggests that this is a confusion between case studies and ethnographies. Detailed narratives are not as necessary to case studies, so that for this report, I used narrative primarily to emphasize important findings and to enhance the "Native voice" of the Agency. The report is still longer than anticipated (or desired, no doubt, by the reader).

A further difficulty was incomplete documentation, as items became misfiled or lost over the years. I found that incomplete files of meeting minutes were the most serious problem. With each Agency restructuring, the procedures for recording minutes changed as did the system of storage. I found some minutes in the central filing system, some in the

personal files of senior managers, and some I didn't find at all. It was particularly unfortunate that I could not locate the minutes of the second half of 1985, all of 1989 (a key year) and most of 1991 (another key year). Information from interviews compensated as did direct observation, but adequate verification was not possible.

The interpretation of the documentation is also problematic. It was difficult for me to know the meanings held by the producers of an historical document, meaning that there is the danger I interpreted the information in light of current assumptions. There was also the problem of the respondents' memories being distorted by the passage of time as feelings and motivations were reassessed (Dunkerley, 1988:88-90). A mitigating circumstance here was that I was responsible for the production or supervision of the production, of the majority of the public documents prepared by the Agency between 1978 and 1988.

The relative recency of the material used and the availability of some of the participants to answer questions, also helped to overcome this problem. These same concerns are pertinent to the archival audio tapes which were made for a research project asking different questions. Nothing could be done to counteract possible interviewer interaction effects, to probe ambiguous responses, or to test the accuracy of the responses, except again to rely on, first of all, my familiarity with the organization, and secondly, the verification from the data sources.

A related concern was that because the archival interviews were carried out by an Agency researcher, the respondents would not make the kind of critical comments needed for this study. This may well have been the case, since few critical comments were found in these transcripts. Some critical comments were made by Native community members and found in newspaper clippings. On the whole, however, few were found.

A mitigating circumstance specific to Native culture may have added to the data's validity: the majority of current and archival interviews was done with Native people and Native culture has traditionally put great store in the use and accuracy of oral tradition. This was evident in the "story-telling" format that many of the interviews took. A look at some the lengthier passages quoted in the data analysis chapters shows this. An Agency staff member pointed out in relation to this oral tradition that note-taking can be seen as weak and perhaps even disrespectful. She explained: "We were...taught that you store that in here [information in your mind] and when you are writing it down and putting it on paper, it takes away some of the realness of it, and so some of that is lost, whereas [otherwise] you would just know it, and you could talk about it..." (Interview, April 22, 1987). Not all Native people still practise or were taught traditional skills, however, so there was no way of knowing how many of the respondents had this skill.

My status as a peripheral member observer was also a problem. Agency members other than the key informant may not have trusted me a great deal and may have hidden or avoided giving me sensitive information. As well, I may not have completely grasped these members' perspectives and experiences (Adler and Adler, 1987:48). Being a former member of the organization may have compensated somewhat for these limitations, but this status also had disadvantages in that I had trouble "manufacturing distance" from the Agency and may have shared some of the distorted perceptions of Agency members. This means that using empathy, as suggested by Simmons (1985:289), as a validity check would have been futile. Review of the work by colleagues, multiple sources of data, and

my acute awareness of the problems may have compensated for any lack of distance.

Another concern was the possible influence of the one key informant which might result in information biased towards his point of view. This was remedied by checking his information as much as possible with other respondents and against documentation.

Another limitation of this study is one set by ethical considerations. It was possible that I might have found or revealed information vital to the research but damaging to the organization. In an environment as volatile as Native-state relations, this is a very important consideration. The organization studied here is of a kind relatively rare in Canada. Any of the thousands of state-operated criminal justice organizations could have remained anonymous if subjected to this kind of research. That was not the case, however, for an organization that numbers among the 15 to 20 Native criminal justice organizations that have existed in Canada through the last 20 years. In order to protect the identity of the organization (even though most organizational members were quite blasé about possible repercussions), I disguised as much as possible the names of key individuals, the organization itself, the geographical area in which it operated, and where necessary, the names of other geographical locations that would allow the reader to pinpoint the Agency through a process of elimination. One of the most serious and vexing repercussions was that I could not give complete citations for Agency publications or publications that specifically mentioned the Agency in a context that would have led to recognition. This problem also led to the data losing some of their interest and colour. While this anonymity protected the Agency, it was also a disadvantage in that I could not give the Agency the credit it deserves for its vision and its many accomplishments.

I informed the Agency of the limitations and possible consequences of the research, and received written consent to carry out the research. I offered the Agency the opportunity to review early drafts of the research, to make comments and to include an addendum to the report (which is included as Appendix 1).

I guaranteed anonymity to all new interviewees so that all participation was informed and voluntary. The historical interviews had been taped with the full understanding of the participants at the time that the material would be used and often directly attributed to them in the Agency History. Even so, to identify these respondents would have led to the identification of the Agency; as a result I also disguised their identities.

The final point is that, over the years, Native communities and agencies have developed a negative reaction to research, primarily as the result of seeing few benefits in return (Guyette, 1983:275). It is essential for any researcher working with a Native group to ensure that the group receives something in exchange, as is also pointed out in the SSHRCC (1983) guidelines for research in Native communities. With this in mind, I wrote an Executive Summary especially for the Agency (included as Appendix 2), although I will also give the Agency a copy of the full report for their resource centre. The Agency also received full transcriptions of the archival audiotapes.

The Agency staff displayed every courtesy and cooperation to me. They sometimes went out of their way to inform me of information that they thought might be of interest. Senior managers made me welcome and made time in their hectic schedules to answer numerous, and what must sometimes have seemed to be inane, questions.

CONCLUSION

The primary concerns that directed the design of this research study were the reduction of cultural ethnocentrism and the exploration of a relatively new phenomenon in criminal justice administration research—the Native-operated criminal justice organization. By designing a methodology that tried to incorporate "Native voices" and was open to emergent concepts, I hoped that this study might contribute to the understanding of an organization operating in a cultural milieu unlike any of those previously studied in criminal justice administration research, as well as cast more light on the relationship between Aboriginal peoples, the state, and Aboriginal-operated criminal justice organizations.

CHAPTER 4: STAGE 1: 1970-71

The first stage of the Agency's existence, 1970-71, were marked by a number of obstacles to survival, originating in the organization's liability of newness. The process of establishing the organization's legitimacy as a **Native** organization operating within the criminal justice system was an important contributor and could be linked to the idea of Aboriginal peoples as a problem population to the criminal justice system. The socio-historical context influencing the Agency's birth included the escalating politicization of relations between Native communities and the state, and discriminatory legislation that historically had prevented Aboriginal economic development.

Because this developmental stage occurred seven to eight years before my employment with the Agency began in 1978, the main sources of data for this chapter are Agency and other documents, archived interviews and newspaper clippings. There was little opportunity to contribute personal observations.

This chapter is divided into four sections: socio-historical context, obstacles to Agency survival, Agency response, and conclusions.

SOCIO-HISTORICAL CONTEXT

As a new organization, the Agency faced several relatively standard birth pangs. Some of the aspects of these difficulties were unusual, however, and were influenced by the environment of the Agency, in particular the historical relations between the state and Native political organizations. The demographic, political, economic and other factors discussed in Chapter 2 provided the broad historical context for the development of the Agency and I won't repeat that discussion here. It is sufficient to remember that an ideology still existed among dominant society members that Native peoples were a problem population and that most were appropriately classified as "social junk" (although the Native political organizations were showing strong tendencies of becoming "social dynamite"), and that the economic effects of discriminatory legislation such as the Indian Act were still being felt. The focus in this chapter is on the more immediate historical period beginning with the development of a prototype courtworker program at the Fort Jones friendship centre.

The technology (or method of service provision) of the courtworker program was first developed at the Fort Jones friendship centre, as were the program's service goals. The initial recruitment of participants (clients and criminal justice system supporters) also occurred there. The resources needed by the program (staff, administration, and space) were provided by the friendship centre on a limited basis. Courtwork was not the primary activity of the friendship centre, although there are indications that it came to take on a more important role as the program's credibility rose.

Courtworker programs were started by two friendship centres in different provinces at about the same time, but there was little interaction between the two (Ed Smith, Conversation, January 20, 1987). The friendship centre in Fort Jones was started in the early 1960s. By 1963, at the request of its clients, the friendship centre was sending staff

to court to try to assist Natives accused of offences by giving them information about the criminal justice system and the law, by explaining their options, and by giving them emotional support. The first three courtworkers provided inconsistent and, in one case, extremely ineffective services[1]. In 1964, Ed Smith was hired by the friendship centre as its assistant director in charge of programming; shortly after that he took over the duties of the courtworker as well. Within a year he was the executive director for the centre, and still the courtworker.

One of the most important resources Ed Smith had to obtain was external legitimacy for the program. The judges were wary of his intentions, as were the prosecutors, police and lawyers. The judges were reluctant and afraid that Ed would be another short-term phenomenon; the prosecutors and police (who still acted as prosecutors in some cases) were afraid that Ed would slow down the court process and would otherwise infringe on their duties (Ed Smith, April 15, 1987). This difficulty remained more or less unresolved until Ed met with the civil liberties branch of the Provincial bar association in 1970 at which time it was decided that courtworkers were not practising law (Conversation, Ed Smith, February 10, 1992). Nevertheless, most members of the criminal justice system were afraid that he would be more of a hindrance than a help. Ed was tested on several occasions and passed. He recalled one incident:

> One prosecutor set me up and I was mad about that. [A Native woman] was in for prostitution, [she] was vagrant. She came up and this was the first time I had seen her, but she had quite a lengthy record. She had just finished doing six months...so she showed up in court and she got up and said that she had to go back to [the reserve] and babysit. She's got five kids there. So, I put her over to two o'clock, then I phoned [the reserve] to check out her story. I got her dad on the phone and her dad said, "Yeah [she's] my daughter." and I said, "She says she has to come home and babysit." He said, "The only time we ever see her is for her to drop off another kid; she never stayed here." So, I came back into court and I informed the court the information that I had wouldn't benefit her. I said, "She has five kids, but she hasn't been back to look after the five kids and the last time was to drop off another one a year ago." The judge says, "Okay." Then [the prosecutor] says, "Well, I know that." and I said, "Well, why the hell did you let me do that?" He says, "Well, I was testing you." and I said, "You son of a bitch, if I didn't get the right guy [on the phone], you could have destroyed a good program!" (Interview, April 7, 1987)

The initial support of some of the judges was invaluable and among the most important resources available to the fledgling program. In order to gain more support from

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1. This led to problems later for the courtworkers in establishing the program's legitimacy. That it didn't kill the new program's chances may have been because of the general low expectations that non-Native criminal justice personnel had of Native people because of stereotyping: a kind of "so what can you expect?" reaction. Ed Smith's professionalism would have stood in sharp contrast to this behaviour and thereby increased his credibility.

the judges and the other members of the court, Ed met with them regularly, often on an informal basis over coffee. In these meetings, the judges communicated their concerns, particularly about the role of alcohol in Native offences. They requested that Ed deal with this "revolving door" of incarceration for alcohol-related offences. Ed did, but quickly generalized the services he offered to such things as finding witnesses, explaining court procedures and assisting in the investigation of Native complaints about police conduct. He did whatever the judges asked of him, and did what he thought was allowable until the judges set the limits (Interview, April 7, 1987). As a result, he created an increasing demand for services. As the most important actors in the courtroom and being among the most prestigious criminal justice system members, the judges were important allies for Ed Smith. By conforming to their expectations, and sometimes going beyond them, Ed effectively demonstrated the worthiness of the service and received their endorsements.

He did not use the same strategy with the police, because their demands for his services were different and fulfilling them would have cost him his legitimacy with clients. He reported:

> The police would always tell you..."I am looking for so and so. If you see him phone us." and I would say, "No, I would never phone you. I will tell him you want to see him." Then they'd say, "You would be an accessory." and I'd say, "Oh no, I wouldn't. I'm not going to be your stool pigeon." They thought they would befriend me and I would be their stool pigeon—and that is a policy we have carried right through: You never tell. If the police come to you or somebody comes, I'd say "Yeah, if I see them, I will tell them that you're looking for them...[otherwise] my credibility would have been gone with the Native community.(Interview, April 7, 1987).

Not all interaction was this negative; working accommodations were eventually reached. Ed assisted the police with interpreting, with investigating Native complaints against the police, and providing a place to stay at the friendship centre for Native people whom the police would have had to charge with vagrancy (Interview, April 7, 1987). It was necessary to reach a working accommodation with each component of the criminal justice system, for, as Ed reported, "...everybody wanted to use [the courtworker] as their gopher." (Interview, April 7, 1987). In other words, everyone wanted to exercise some control over the courtworker program. This was likely grounded less in competition, since the courtworker was only one person, and more in the potential disruption the courtworker could cause. The developing awareness of the potential the courtworker program had for helping the criminal justice system to manage Aboriginal offenders probably led to a "wait and see" attitude. The Native origins of the courtworker undoubtedly contributed a degree of uncertainty to his credibility. Members of the criminal justice system were used to dealing with Native peoples as offenders. That the criminal justice system and some state managers saw the courtworker program as an instrument of control is confirmed by the fact that the provincial government went into competition with the courtworker program in the late 1960's by trying to establish a similar service. It hired a number of Native probation officers to provide courtworker services; however, according to Ed, they were so hampered by the jurisdictional bounds of their job title that the experiment was abandoned

(Ed Smith, April 7, 1987)[2].

Because Ed was the only courtworker, his personality and ideals influenced the development of the program. A Probation Officer who knew Ed in the 1960's reported that: "He was extremely social...and the key was sociability. [Ed] was very skilled at just sitting and listening...he would let people get to know him, to see that he liked sports and was interested in politics. He would talk about the weather and all sorts of things that contributed to reducing the stereotyped relations between Native and non-Native people." In this way Ed challenged the negative expectations that criminal justice personnel had of Native people and thereby increased the legitimacy of the courtworker program. Ed's leadership of the Agency over its 20 year history is discussed in detail in Chapter 5.

As word of the courtworker services spread, Ed was asked to speak at meetings of all kinds in both the Native and non-Native community. He also travelled around the province as a volunteer member of a tour designed to publicize the establishment of a provincial human rights body. Not surprisingly, courtwork usually ended up a topic of discussion at each meeting. A demand for services was being created.

Interviewees recalled that they supported Ed in his work through providing verbal and written recommendations and so on. They seldom mentioned the friendship centre's involvement. They saw courtwork as Ed's program. The judges, for example, expressed a certain degree of possessiveness of Ed (Other CJS member, April 13, 1987). They had begun to see him and his services as having a niche in the criminal justice system.

As requests for services from outside Fort Jones increased, Ed and the friendship centre board of directors came into conflict. The Board wanted more administrative control over the program and over Ed, perhaps as a means of capitalizing on Ed's acceptance by the criminal justice system since very few Native organizations or individuals at that time had legitimacy with state funders.

In 1968, Ed proposed to place "Outreach Workers" in communities where services had been requested. He felt he could not maintain the credibility of the program without meeting the demand that had been created. The board refused to expand the jurisdiction of the centre outside of Fort Jones. I am speculating that the board made this decision partly because it didn't want to undertake the complexities of expansion, but also because it was trying to limit Ed's influence which was growing outside the city. In 1969, the board tried to undermine Ed's administrative duties by hiring senior management staff without Ed's knowledge or approval. They also hired an American non-Native to take over Ed's courtworker duties. Ed refused to turn over courtworker duties to him, maintaining that courtwork was too important to turn over to an untrained staff member (Interview, April 14, 1987). Ed speculated that the friendship centre wanted more control of the courtworker program because it was the first really successful program it had developed (Interview, April 7, 1987). This observation has a great deal of merit, especially if "successful" is interpreted as having credibility with influential members of the state, as well as being able to assist Aboriginal offenders.

Contributing to these management difficulties were the growing differences in the goals of the friendship centre and its courtworker services, and the inappropriateness of a

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2. There may well have been additional reasons for the demise of this program. No further information was available, however.

friendship centre location for the provision of services. The organizational goals of the friendship centre at the time were primarily cultural and social. The inappropriateness of facilities became clear when clients expressed discomfort with visiting the centre where they might run into friends and family engaged in social activities (Other CJS member, April 16, 1987).

The executive directors of the main Metis and Indian political organizations, and with whom Ed had personal links, both contacted Ed and encouraged him to set up his own organization[3]. Ed resigned from the friendship centre late in 1969, with the resignation to take effect in January, 1970.

The Agency was born in February, 1970 when it became a registered society (Agency pamphlet, circa 1977). Administratively, however, it became part of the provincial Metis organization starting in January, 1970, Ed Smith, one other courtworker and in short order a secretary, became employees of the Metis organization. The Metis organization provided an office, and $10,000 with which it hired three more courtwork staff in consultation with Ed Smith. These resources "jump-started" the new organization. It increased the number of communities in which it provided services.

There were problems with the relationship between the association and the courtworkers from the beginning, however. The office space provided by the Metis organization was too cramped. Because all staff members were located in one room, client confidentiality was threatened, as it was by the practice of Metis organization members going through the records (Staff member, April 1, 1987; Conversation, Ed Smith, February 12, 1992). The courtworkers had little alternative but to remain because lack of funding prevented renting separate space. An early staff member remembered "borrowing" supplies from the Metis organization that could not be returned, and using a phone that was supposedly not connected (Interview, August 7, 1987). This arrangement lasted three months.

At this point the Metis organization recommended that the program be formally placed under the wing of a highly-successful communications organization also associated with the Metis organization. The communications organization lent organizational expertise and helped to establish a provisional board of directors, as well as advising Ed about the funding negotiation process. The two Metis and Indian political organizations submitted a list of names of potential Board members from which Ed, with the assistance of two communications society board members, chose seven provisional board members. This gave these organizations and political "participants" in the organization some control over future directions of the organization.

Because it was anticipated that the board would operate Province-wide, it was necessary to choose board members from across the province, as well as ensure there was an equal representation of Treaty Indians and Metis and Non-Status Indians or political problems might ensue. (See Chapter 5 for more discussion on the role of board members in Native organizations.) The political organizations also assisted him in choosing an

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3. Whether or not this encouragement was offered in the simple hope of seeing increased services for Aboriginal people or whether a more political agenda was also at work is unknown. Some of the data presented shortly suggest the possibility of the latter, although it was not likely to be the main motive because of the newness of the program.

appropriate objective for the program. This was "To reduce the Native incarceration rate." This also gave them input into the future activities of the organization.

There was some conflict between Ed Smith and the Metis organization's board of directors who wanted more involvement in the day to day administrative activities such as funding negotiations. This was a continuation of the trend first seen with the friendship centre board, of board members wanting to control the organization's administrative operations as opposed to remaining in a policy-making capacity. This will be pursued in the next chapter.

By the end of 1971, the Agency was settling into its criminal justice system niche. There were 10 people, including Ed, employed in the program and the budget was about $35,000 (Conversation, Ed Smith, February 10, 1992)[4]. See Figure 1 for the Agency's organizational chart at the end of 1973-74.

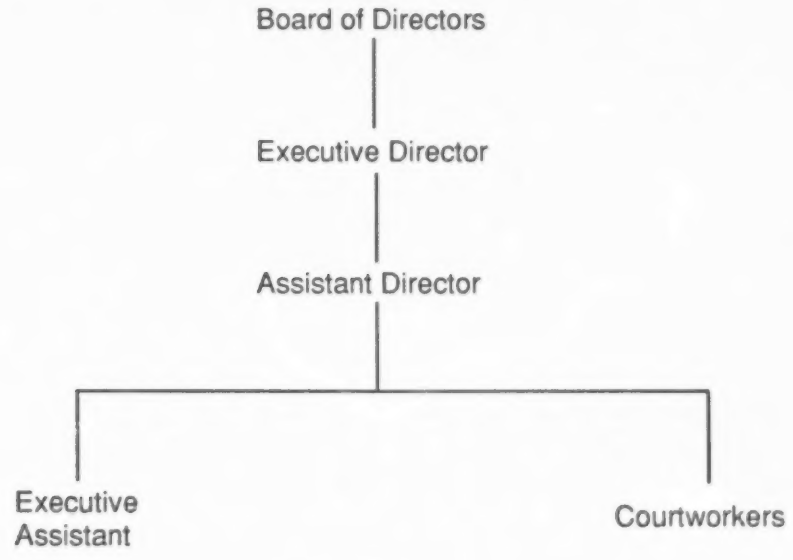

Figure 1: Agency Organizational Chart, 1970-71

In accordance with Ed Smith's generalist ideology and as a means of acquiring a larger resource base, a contract to provide parole supervision was signed in 1970[5]. Family court services and Native liaison officer services, which started officially in 1972, were provided on an informal, intermittent basis by the courtworkers, as were a wide variety of

4. As of March, 1971, the Agency's total revenue was approximately $88,000 (see Table 1). Ed Smith was referring to salaries, which were about $40,000.

5. This was a continuation of Ed Smith's personal contract signed in 1967 for the supervision of 5 parolees).

other services. Alcohol education services were started in 1971 (at the request of the two political organizations) as were legal education workshops. The Agency, and not just Ed Smith, was beginning to establish its legitimacy with the criminal justice system and Native political organizations.

To reflect these changes in services and to enable the Agency to more easily respond to increasing service demands, it made a minor name change in July, 1971.

OBSTACLES TO AGENCY SURVIVAL

There is little doubt that the Agency suffered from liability of newness as a result of its resource poverty and lack of legitimacy. These were moderated to some degree by its association with the Metis organization. This relationship, however, led to a kind of political conflict from which non-Native organizations are unlikely to suffer.

In this section I will discuss, first, the political conflicts, then the problems of legitimacy, followed last by the financial difficulties.

POLITICAL CONFLICTS

Within a few months the working accommodation between the Agency and the Metis political organization and its communication society ward began to change. The leadership of the Metis organization changed and the new president felt the Metis organization should have more administrative control over the courtworkers. The board of directors of the Metis organization expressed discomfort with the Agency's goal of providing services to Metis and Treaty Indian alike. Non-Metis clients were not part of the organization's mandate and many were eligible for government benefits that the Metis were not (Student Paper, Fall, 1972). The communications society also began to pressure the Agency to become more involved in the political Red Power movement which meant joining marches and demonstrations against the state. As well, the Metis organization put pressure on the courtworkers to provide details of politically volatile cases, such as police brutality cases, which could be used to discredit the police (Student Paper, Fall, 1972). A staff member remembered that the Native political organizations, in general, "tried to make hay on cases...they used to phone us and tell us to watch certain cases and to report back to them...I used to tell them if they are interested, and if they wanted first-hand information, that they had better get down to the courthouse." (Interview, April 1, 1987).

LEGITIMACY PROBLEMS

Legitimacy had to be won with each of the Agency's four client groups: Native offenders, the Native communities and Native political organizations, the members of the criminal justice system, and the state. The Native offenders were the most essential clients.

Of the remainder, the state and the Native political organizations were important because of their power over needed Agency resources. The other two groups were also important because they were the main actors in the working environment of the Agency's staff. Criminal justice system members also had influence with higher echelons within the various branches of the state. First, while there was little or no problem forming relationships with potential Native clients, there were problems finding acceptance among those who controlled some of the access to these clients—the leaders of the Native political organizations who could, and occasionally did, refuse courtworkers access to their communities for their own political reasons; and the members of the criminal justice system who could not accept that members of the "social junk" population could provide services on an equal basis within the system. There was some confusion in the Native communities about who was the sponsoring organization for the courtworkers because of the courtworker program's early association with the friendship centre and the Metis organization. As a result, some groups, especially Indian groups, were reluctant to use the service (Conversation, Ed Smith, February 12, 1992)[6].

The Agency also needed access to Native communities to obtain two important resources—staff and ideas. Until 1973, all Agency staff were Native, and until December, 1991 80 to 90% of Agency staff were Native[7].

Ideas were also needed for innovative programs to expand services so that the Agency could continue to widen its niche within the criminal justice system and fulfill more of the wide variety of needs within Native communities. As more services were provided, more needs surfaced that had been masked by the more urgent concerns. For example, as young offenders courtworker services became more common, questions were raised in the communities about why young people were getting into trouble more frequently, and what could be done about it.

The second problem of legitimacy occurred with the members of the criminal justice system. Reminiscent of Ed's friendship centre days, concerns were expressed by the judiciary, lawyers, police and correctional staff about the ability of Aboriginal peoples to provide services in the system and their "invasion" of the system. Many criminal justice members, Ed Smith speculated, were also afraid of Native people because, in many ways, they were "the other side," and because Native courtworkers might accuse them of "picking on the Indians because they're poor and they're different."(Interview, February 19, 1991)—in other words, social junk.

Nevertheless, some judges encouraged courtworkers to provide comprehensive assistance to their clients, even services that overlapped with the job duties of defence counsel. Not surprisingly and despite the bar association decision, lawyers were the court personnel most concerned about courtworkers infringing on their domain. In this case, it was voiced in terms of over-stepping the provincial legal professions act by providing legal

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6. There was also a short period of confusion among Agency staff (Conversation, Ed Smith, February 12, 1992).

7. Non-Native staff were usually hired only in specialist positions such as researchers, media technicians, and correctional centre administrators (Agency history, Chapter 4).

advice[8]. Because the Agency's services were free of charge, there were also complaints the Agency was undercutting lawyers' fees. To establish legitimacy with lawyers, the Agency had to develop noncompetitive working accommodations not unlike the arrangements made with other criminal justice system groups.

Some staff felt that the police, like the prosecutors, didn't like that courtworkers were getting charges withdrawn through presenting additional information to the courts. (Agency staff member, April 1, 1987). Front-line staff such as lawyers and police officers probably had the most to lose because courtworkers were causing uncertainty in their environments. Courtworkers were interfering, for example, with established and discriminatory practices in which members of the Aboriginal population were used as scapegoats or as sources of "easy money" because of their lack of knowledge of the workings of the system. As well, courtworkers, by their growing legitimacy, also challenged the racist "Aboriginals-as-social-junk" conceptions of some system members. As well, the support of more politically aware senior police members for the new services set a good example to front-line members (Staff member, June 16, 1988). Some of these senior members were also personally sympathetic to changes in the conditions of Aboriginal peoples. Other reasons for the growing legitimacy of the courtworkers may have been the assistance they provided in making the processing of Aboriginal offenders more efficient; the support of the high status judges in the courtroom and growing familiarity with the program.

Similarly, correctional staff also had to be convinced. A staff member reported: "..the people in the jails that were serving time, they wanted changes, but the people that were running the system, they weren't too keen on it, because...it would create more work for them, I don't know." (April 1, 1987). Another staff member, one of the first liaison officers, suggested that this problem didn't fade quickly. He remembered that in 1974, "There was a lot of people in the justice system and the jails that don't like Indians—you can just see it so plain sometimes. That is why it made it hard for people like us to go in there and work." (Staff member, November 18, 1987). If the worker had a criminal record, as many Agency staff did, the situation was even more uncomfortable: "It was kind of rough for me to...get going in there, because...there was some of the staff...that were there when I used to do time in there, and they didn't especially like it." (Staff member, November 18, 1987)[9].

At a more fundamental level, the legitimacy of the Agency had to be established

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8. It was informally explained as part of the courtworker training that legal advice was "telling clients what to do," as opposed to explaining to clients their options and letting them make the decision about what course of action to take (Personal recollection).

9. These problems re-occurred intermittently over time as new members of the criminal justice system had to be educated about the courtworkers. In later years, courtworkers ran into problems with criminal justice system members not only because of racism, but because of sexism. One courtworker recalled a time during which the local RCMP sergeant would only allow the courtworker to interview clients if she was accompanied by another person, male or female. The problem was compounded by the fact that she was running a one-person office. The problem was solved by a complaint laid with the regional attorney general's office (Interview, May 6, 1987).

with the state, the only potential source of funding available to the non-profit courtworker program. Members of the state had to be convinced that a Native organization could be "accountable," that is, had the capability and could be trusted to follow the dictates of the state. Ed reported that after he received a cheque for the first time from a federal department, he heard one official say to the other, "There goes another $34,000 down the drain." (Conversation, May 5, 1992). Both the federal and provincial levels of the state could also conceivably deny the Agency a place within the criminal justice system by legislating against such services.

This problem of legitimacy was a micro-level reflection of the dominant non-Native society's view of Native people as social junk. A courtworker explained:

> I found working in town—because [the town] itself was more or less going through a stage where it was a very prejudiced place—I had to work a little harder to prove that I was an okay person as a Native person. Because how they saw the Native people was [as] just a drunken bunch of people, or 'drunken Indians' is how they referred to them. So I had a lot of stuff like that and [I had to] not get totally upset by it. (Interview, May 6, 1987).

FINANCIAL PROBLEMS

The final difficulty that occurred that year was the exhaustion of program funding. No additional sources had appeared after the $10,000 ran out and, because of state policies that had placed Aboriginal communities in a situation of economic dependency, these communities were too poor to pay for services. Ed and his wife had written a proposal for permanent funding which Ed had carried with him on 13 trips to Ottawa in 1970. He met, on multiple occasions, with National Health and Welfare, the Department of Justice, Indian and Northern Affairs, and the Ministry of the Solicitor General. Indian Affairs (DIAND) was the most receptive. One officer at DIAND was familiar with the courtwork services Ed had provided at the friendship centre, and worked inside the Department to encourage funding the program as a "demonstration project." Such an approach meant that the state would incur minimal financial risk, but would also contribute to its legitimation function since it indicated that the state was supporting an innovative Aboriginal program in turbulent political times.

The Agency, which had by now ended its association with the Metis political organization, was faced with three alternatives, according to Ed: close down the program permanently; close down the program temporarily; or work without pay[10] . The first option was not acceptable. Staff members had by now contracted "the almost religious fervour" experienced by staff in many innovative organizations (Lodahl and Mitchell, 1980:186-7). The second option was considered untenable because if the program closed down, even temporarily, the Agency would risk losing its increasing legitimacy with criminal justice system and Native community members. The third option was chosen.

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10. The Agency was not alone in its troubles. Funding difficulties in the province were also facing the Native political organizations who had to lay off staff.

AGENCY RESPONSES

The courtworker program and then the Agency engaged in a variety of adaptive responses to cope with each obstacle. Some of these were useful for handling more than one problem. Some were standard organizational strategies predicted by the literature. Some were not. Two concepts emerged from the data, "selective resistance" and "maintaining an in-between status."

RESPONSES TO POLITICAL CONFLICT

Ed Smith refused to bow to the pressures from the more politically active Metis and media organizations since he did not want the Agency tarred with the same brush, that is, labelled as an organization that operated as "social dynamite," a status that might interfere with provision of client services and future funding opportunities. The courtworkers moved out of the Metis organization's offices six months after moving in, and three months after their association with the media group began, but hard feelings were minimal, likely as the result of Ed's personal skills and because of the new working accommodations reached. It was believed that the leaders of both political organizations realized the problems and therefore supported a move away from the Metis organization (Agency staff member, April 1, 1987). The relationship with the media association was formally ended in April, 1972 (Board of Director Meeting Minutes, April 14, 1972). The new working accommodation included continued resource provision so that, for example, the leaders of the Metis and Indian organizations promoted the Agency in their travels around the province. One commented that he always added a bit about the Agency to get it well-known (Conversation notes, June 10, 1988). This assistance was given, however, only under certain conditions. The former leader of the Indian organization said the two organizations "agreed to a non-interference [policy] with [the Agency] if [Ed] stayed the hell out of politics" (Conversation notes, June 10, 1988). This policy was not completely adhered to, however, and the Agency continued to fear for many years that one of the political organizations might decide to compete in the Agency's service area. Several requests from the Native political organizations that their representatives be appointed to the Agency's board of directors were received, as was a request that the Agency sign a "memorandum of agreement" with the organizations. The Agency could not ignore this turbulence in the political environment, as Ed Smith commented, "Well, you look at what they request. They want control of you." (April 14, 1991).

The program resisted these control efforts by making the argument that the Agency was accountable to the board of directors, all respected members of the Native community and whom the organizations had input into selecting[11], which made political representation

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11. As mentioned above, the Native political organizations assisted in choosing the original board members and were asked for recommendations whenever a vacancy occurred. The board of directors, however, had the final selective power over its

on the board unnecessary, on top of being undesirable for service delivery (see Chapter 5 for further discussion).

RESPONSES TO LEGITIMACY PROBLEMS

Problems of establishing legitimacy were resolved by aiming responses at three groups: the Native communities (including Native political organizations), members of the criminal justice system, and members of the state. Individual Native clients did not present a great deal of difficulty because word of mouth or the "moccasin telegraph" had been passing the word since Ed Smith's days at the friendship centre. They could see the results or, as one staff member recalled, "The Native people...thought we could almost work miracles." (Interview, April 22, 1987).

Native clients in need of services approached a courtworker because in many cases this person was the only source of assistance in the community. As time went on, Native courtworkers were frequently still the first ones to be approached by Native people, but it was more likely because the courtworkers were seen as more accessible, approachable and empathetic than the available non-Native service personnel.

Strategies used with the Native communities and Native political organizations focussed on providing communities with input into the Agency's development but channeling this into specific areas (a form of selective resistance). This strategy gave some control to the communities, but prevented more overt control attempts. The Agency's actions included: travelling into the communities to meet with community members, putting on educational workshops which discussed the role of the Agency, hiring well-respected members of the Native community, providing a wide range of services some of which were outside the courtworker mandate, and getting the support of Native political organizations.

Ed and other senior managers spent many hours in Native communities meeting with community leaders, Elders and other community members to get input on how to handle each community's areas of need. They travelled all over the province attending public meetings where they could meet key community people. They also received input from their board members who had been chosen for their knowledge of the needs of Native communities. As well, the Agency's research department carried out community need assessments as required. Some of these strategies fit the categories of "eliminating ambiguity" (holding workshops and meetings with the communities), and "scanning the environment" (meetings and board responsibilities), as suggested by Cameron et al. (1987:223), and could also be described as aggressive generalization.

Each front-line staff member also had a role to play in convincing Native clients and criminal justice members of the Agency's credibility. In small communities the courtworker was the only Agency representative and by his or her performance could damage the Agency as a whole. It was necessary to hire stable and well-respected members of the Native community, because as pointed out elsewhere in this chapter, the courtworker WAS the Agency in many communities. As one courtworker said: "...if I fail, [the Agency]

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membership.

fails." (Interview, June 22, 1987).

Native cultural values caused special problems with establishing legitimacy. The community did not see the courtworker, a fellow Native and usually a local individual, as someone working strictly in court. Because of their knowledge of the non-Native bureaucracy, courtworkers were approached by clients with all kinds of problems in addition to legal or social services-related one. Many of these services could be defined as falling outside the mandate of the Agency's funders, for example, problems in finding housing or with a child truant from school; however, if the courtworker refused to help with these problems, he or she lost credibility in the eyes of the person in need and, as word got around, in the eyes of the community. The 1981 review of the criminal courtworker program explained:

> As with many complex social problems, criminal courtworkers are faced with people who often have many other difficulties in their lives than a particular criminal charge. As workers in a general social role, they cannot simply identify or do activities only connected with a criminal charge, To be effective workers and full human beings, they must respond to the total life situation of their client and must be in touch with the community experience of the person while remaining in touch with all the other official government and private actors who have a role to play. (1981:38).

In the early years, typical "extra" services[12] might include: transporting clients; writing letters for illiterate clients; assisting people to get birth certificates, old age pensions and family allowances; interpreting in hospitals as well as in jails; visiting clients in their homes; being on 24 hour call; and helping clients find housing. A staff member summed up the reaction of staff very succinctly when she said, "In a place where there is no services, someone has to do it. Someone has to help them." (Interview, May 12, 1987).

In addition to providing generalized services the courtworkers went out of their way to be accessible to their clients. A courtworker recalled that he met with them "...[in] the kitchen,...on the sidewalks, in the pool hall, in restaurants, any place." (Interview, May 14, 1987). Others travelled from community to community and slept overnight in their cars. One recalled, "You drove as far as you could, parked and went to sleep...we always had a vacuum bottle in the car, a blanket, and always lunch of some kind." (Interview, May 12, 1987). Developing trust and respect, that is legitimacy, in the Native communities started with the work done for each client for, as a staff member pointed out, if the courtworker lost the respect of a client, they also lost the respect of his or her family "and when you are talking about Native families, you don't know how many members are in one family, could be fifty and could be...two hundred." (Interview, June 1, 1987).

Other services to Native communities eventually expanded to include: acting as a "watchdog on the legal aid lawyers" (Staff member, June 1, 1987); sensitizing non-Native criminal justice, health and education service providers about Native concerns; and

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12. This strategy of providing a wide range of services continued throughout the Agency's history and was evident in all Agency programs, although some services were phased out as other organizations were established or the needs decreased.

assisting Native organizations with financial administration and program development (Staff member, May 1, 1987).

In order to establish legitimacy with the local Native political leaders, the Agency, as had the friendship centre, offered services to Treaty Indians, Non-Status Indians and Metis alike, without differentiating[13].

As evidence of established legitimacy (or at least the beginnings of it), the Agency asked band councils for band resolutions to the effect that they requested the services of the Agency and that these services were based on the needs of the people of the band. Similar presentations were made to Metis councils and locals. These resolutions were also useful as a means of increasing the Agency's legitimacy with state funders. This process continued well into the mid-1970's[14]. Some local political groups did not agree to give resolutions, wanting more input into the hiring of staff, for example, or deciding to try to operate their own programs. One Agency staff member recalled that a significant obstacle was that they had to convince the councils that courtworkers were not political competitors: "we weren't there to run their business or spy or pry. We merely wanted to do our [jobs] better, and it was a service to their people." (Interview, May 12, 1987)[15]. An Agency staff member speculated that the Chiefs didn't really pay too much attention to the activities of the Agency until their electorate started to mention them. In fact, courtworkers asked grateful clients to talk to their political leaders about the services (Staff member, May 12, 1987) as a means of increasing legitimacy.

Showing support for the new service rewarded the Native political organizations, as a staff member recalled, "They got their strokes for supporting [the Agency] from communities...if they wanted to turf us out...they would have lost a lot of credibility themselves..." (Interview, April 1, 1987). It is likely that the support of the political organizations was mentioned in all early documents, and later documents as well (e.g. Annual Report, 1972-73) not only as an indicator of local-level legitimacy but as inducement to recalcitrant bands.

In Native communities, then, very few demands for service were resisted, selectively or absolutely, primarily as a means of building up legitimacy to be used in other Native communities and with the state.

The problems of establishing legitimacy with the criminal justice system were even more complex. Each member group had to be approached separately by both management and front-line personnel on an organizational and individual basis. Most control attempts

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13. It was not until the self-determination conflicts in 1990, that the Agency collected statistics on the Native status of its clients (although it collected data on other client characteristics such as charges, sex and age).

14. By 1974, resolutions from 42 bands and 7 Metis settlements had been received (National Courtworker Evaluation Conference minutes, September 1-3, 1976).

15. It should be noted that political turbulence was not only present at the national and provincial levels but at the local. The Agency had to respond at all levels. For example, on reserves with intense political rivalries the Agency occasionally deliberately hired a worker from out of the community who had no political affiliations. Courtworkers would also be very careful to spend equal amounts of time on rival reserves and visit clients in an office on "neutral turf" (Staff member, May 6, 1987).

were resisted although some were encouraged, such as those by the judges. Most strategies were aimed at getting the criminal justice system to accept Native workers and the organization as legitimate members of the system.

Six strategies were used: invoking staff knowledge of Native culture, allowing judges to define the limits of the courtworker role, staff hiring, staff training, providing information on the Agency and Native issues, and assisting non-Natives.

Staff knowledge of Native culture and lifestyle was an important selling point of the Agency. It was used as the basis of a technology not available to non-Native criminal justice members who could see that courtworkers were more familiar with Native lifestyles and that "none of the Native people were snowing or passing off any...fantastical tales to get out of their problems" (Other CJS member, April 13, 1987). Comments such as "The [clients] are not scared of an Indian, but they are scared of a white man." (Staff member, June 1, 1987) were made by many Agency staff. Agency staff believed that non-Native service providers don't understand the hardships faced by Native people (Staff member, June 1, 1987). Another spoke of her ability to work with her Native clients: "You can almost feel how they feel and they know that you're working to help, or for their own good. I don't know, it's something that's understood between you and your kind. Where that connection isn't there, no matter how educated or how understanding [a non-Native government] agency person is, there's a barrier there." (Interview, April 22, 1987). Another staff member stated "We are better at dealing with our own than anybody else, and that is proven time and time again." (Interview, April 13, 1987)[16].

The second strategy was to allow the judges to define the role of the courtworkers, that is, to not resist the judges' control attempts after their acceptance had been won. Of all the members of the criminal justice system, the judges as a group were the quickest and the most whole-hearted in their support of the Agency, once they understood the proposed role of the courtworker. As an example, a courtworker recalled his first day in one courtroom:

> I had seven names of people that were supposed to appear in court. Okay, for whatever reason, they weren't able to make it—they lived too far out of town, or whatever the reason was. So, I took up the names and I went in [to court] and it so happened these six names that I had were the first people to be called up that morning. So, being a courtworker and trying to do my job, as soon as they are called up, I got up and said 'Your Honour, I am appearing for so and so' 'Sit down!' Okay, I sat down. The next name, the same thing. It went on and on. I kept jumping up like a yo-yo every time they were called up and then 'Sit down!' So on the seventh time I got up and said the same thing again, 'Your Honour, I am appearing for so and so.' He paused for a while and looked at me and said, 'You never give up, you don't give up at all.' I said, 'No, I have a duty to do, Your Honour, and I would like to do it.' 'Well, okay, what is it that you want in this case?' 'Well,' I said, 'I am appearing for these people.' For whatever reason they gave, I gave it to the judge [and] I said, 'They are not able to appear.' And that is just so they don't have a warrant [for

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16. It should be recognized that staff members had a certain vested interest in this point of view.

> their] arrest, but in the meantime, all these warrants were written out. He said, 'Okay, I am going to adjourn the court.' Then he calls me into his office, his chambers, and he said, 'Just what is your job, anyway?' So I tried my best to explain what our job was and he kind of listened and the police were there and they would throw in their two bits for us, helping me. They said, 'He is a real asset to us. At least, we know where these people are at and we know why they can't appear,' and all that stuff. 'Well,' the judge said, 'Okay, when we go back, I will recall these names and cancel all the warrants and then set an appearance date. So, that was the toughest time that I ever witnessed [at the Agency]...He took me out and bought me dinner afterwards and then it turned out that he was one of my best friends. (Staff Member, May 14, 1987).

Ed began this process while he worked at the friendship centre, but it continued with new workers. A courtworker who started in 1974 recalled asking a judge what a courtworker could do in court, to which the judge responded, "I don't know as there is anything, except smoke, that you can't do in my courtroom." (Interview, May 12, 1987). Another recalled: "Sometimes, maybe, we went a little overboard...but the judges were very, very good to us." (Interview, May 14, 1987). This relationship allowed the courtworker program to generalize its services even more and to continue to increase demand.

The third tactic was that employees were hired for their stability and credibility in their home communities. Non-drinkers were preferred. Until relatively recently staff members were invited to apply for jobs because of their reputation in the Native community (e.g. Interview, May 6, 1987). The Agency hired ex-inmates whose lives had stabilized and who could contribute first-hand knowledge of the system[17].

The credibility of individual staff members was important; each had the potential to "make or break" the Agency's legitimacy[18].

For example, in the 1971 board of director's personnel committee meeting notes it was recorded that:

> [X] was terminated because of the fact that he was not performing his duties according to the terms and conditions of employment. He brought musicians from the Penitentiary...out on pass, with his supervision and he didn't return them at the proper time and the warden called him repeatedly to have them returned. He could have done [the Agency] quite a bit of harm. But the warden

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17. This group would have had a great deal of trouble-finding work elsewhere (Staff member, June 1, 1987).

18. That this importance did not disappear through the years is shown by a 1984 memo sent by Ed Smith to all staff concerning the fraternization of staff with inmate clients. The memo laid out professional grounds why this practice was inappropriate including: pressures for special favours, possible blackmail attempts and the damage to "the reputation and credibility of [the Agency]." Disciplinary actions up to termination of employment were promised for violation of the new policy (Agency Memos, January 17, 1984; January 30, 1984).

realized that it was the actions of an individual [not the Agency].

The fourth strategy was staff training, which was mentioned as an Agency strength by a large number of the interviewees on archive tapes. A federal senior manager, for example, mentioned "the comprehensive, on-going, consistent training program available for new and senior Native courtworkers." (Correspondence, September 11, 1987). Until recent years many of the courtworkers hired had little education, sometimes as low as grade 4. It was important to provide them and the criminal justice system with the assurance that they could do the job[19].

Until 1973, staff would often start work with little or no classroom training. They would be monitored and coached by an experienced courtworker, usually Ed Smith, until some sort of training could be arranged (Conversation, Ed Smith, May 5, 1992). Training seminars from sympathetic lawyers and Native community members with special expertise were organized (Staff member, April 9, 1987)[20]. This use of outside experts added to the legitimacy of the training and implied the endorsement of the represented groups.

Former staff who had gone on to responsible positions as Chiefs, band councillors, lawyers, social workers, friendship centre directors, band managers, and special advisors to state officials, were pointed to by the Agency and by state senior managers as examples

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19. It should be noted that not all staff could do the job. Concerns were expressed by staff about stress, too rapid promotion, lack of direction, and "burn-out." (Staff interview, April 29, 1987).

20. Training remained an important strategy for the Agency for many years. The alcohol workers who started in 1972 were trained at workshops and seminars outside the province and even outside the country, since nothing else suitable could be found (Staff member, November 18, 1987). A training department was started in 1976 when a non-Native trainer with a great deal of experience with Native people in the criminal justice system was hired. In 1978, a second trainer was hired. Whereas trainers previously had acted more as observers and facilitators for outside experts, at this point they took over most of the training. The Department expanded to a high of 5 trainers (including a program director) in 1986-87 (Agency Annual Report, 1986-87). Training sessions focused on a wide range of subjects including: courtwork of various kinds, parole supervision, crisis management, assertiveness, report writing, public speaking, personal awareness, Native awareness, training for trainers, and supervisory skills. Eventually the department was providing training not only for all Agency staff, but for courtworkers and supervisors from other provinces and territories, student lawyers, social workers, teachers, police officers, and Salvation Army staff. Training services were provided on contract to correctional staff at both the federal and provincial levels. In later years, the Agency seconded staff from other areas of the state-operated criminal justice system to assist in training Agency staff in new programs such as probation supervision and correctional services (Staff member, May 20, 1987). Efforts to gain accreditation for the training courses through a community college were set back by cuts beginning in 1987-88. The comparatively low staff turnover and the training "saturation" of some staff made these cuts somewhat more palatable (Ed Smith, November 18, 1991). Training services were provided by the one remaining staff member and staff hired on contract as needed.

of the benefits of the training received at the Agency (e.g. Agency publication, 1990; Interview April 13, 1987). A staff member who later became a Chief reported that at the Agency: "I learned to fight for the truth...I learned strength and wisdom and knowledge about things I didn't know at the time. [Ed] really helped me to be involved in some things...it really helped me when I was Chief...[the Agency] was a big turn-around in what I accomplished." (Conversation notes, June 16, 1988). Their accomplishments also added to Agency legitimacy.

A fifth Agency tactic was providing information to members of the criminal justice system about the Agency and Native issues, and about conditions relevant to the cases being dealt with. The Agency saw itself as a "bridge" or liaison between the Native community and the criminal justice system so that the Agency might "contribute to the achievement of the various goals of the Justice System as well as contributing to the development of a more complete understanding within the Justice System of the needs and concerns of the Native people." (Agency pamphlet, circa 1977). This is the first place that the concept of "maintaining an in-between status" emerged. In this case it describes a function as an informational conduit, but at another level it facilitates rapprochement between two conflicting groups. This reflects a political ideology differing from that of the two political groups.

Courtworkers visited the provincial and federal correctional institutions, judges, and police detachments to introduce themselves, explain the new services and offer their assistance (Staff member, August 14, 1987). Spending time with criminal justice staff members was seen not only as a way to educate them, but as a way to "keep their respect" (Staff member, June 1, 1987) and, again, of increasing legitimacy.

Similarly, communication was not all verbal, although that is the form with which many Native people are most comfortable. The Agency also adopted the written medium of the criminal justice system and the conference paper medium of academia. The Agency hired non-Native writers or used them as advisors in producing information and policy position papers. These papers were presented by Ed to the government and at a criminal justice-related conference. Most other Native organizations at this time were only producing proposals for funds. An annual report was produced for the year 1971-72, primarily as a public relations document. To get data for the annual report, the first statistical forms were designed for field staff. (Staff member, August 7, 1987). This, along with the development of job descriptions and training programs, was the first Agency adoption of bureaucratic measures and served as another means of redefining the organization as legitimate.

The sixth and final strategy was to provide services to non-Natives. The majority of staff interviewed mentioned providing services to non-Native clients (e.g. Interviews, June 22, 1987; June 1, 1987; May 12, 1987; November 18, 1987). This again was aimed at increasing the legitimacy of the organization moving outside the segregated field of "Natives only" services.

The last group with which the Agency had to establish legitimacy was the state, at both provincial and federal levels, although the state was not an active participant in the first years. Because the state was the primary potential funder for the Agency, all of the funding problem responses overlapped with legitimacy establishing responses. These responses focussed on redefining the organization as legitimately part of the system (as opposed to social junk or social dynamite). The main strategies included using the endorsements of

criminal justice system members and Native community leaders to "sell" the program, the Agency's avowed apolitical stance, and providing a wide range of resources to state members, such as information on Native concerns and issues.

It was common practice to request letters of support from criminal justice system members and Native community leaders as part of new program proposals (See the Agency's guide to proposal writing for Agency staff members, n.d.) as a means of proving their endorsement of the organization. The president of the Indian-Eskimo Association of Canada, for example, wrote in a November, 1970 letter to Ed:

> ...the [provincial] Division of the Indian-Eskimo Association supports the request of [the Agency] to the Federal Government for grants assistance toward expansion of related rehabilitation and education programs; and further...the Executive, in consultation with [Ed], word the resolution to the Prime Minister and the relevant Federal Department Ministers and M.P.'s in a position to press for such allocations.

Most of the services provided to the state came from Ed Smith, though in later years Agency senior managers began to take some of this role. Ed acted as an advisor to federal managers on Native issues, the workings of Native communities and organizations, the recruiting and hiring of Native staff, and the development of various aboriginal projects including courtworkers and policing (Federal manager, October 23, 1987). The courtworker program, with the Agency playing a leading role, was used by the federal government as a basis for starting other aboriginal criminal justice initiatives. Ed provided similar services to provincial managers (Provincial manager, July 13, 1987).

An aspect of keeping an apolitical stance was the low media profile kept by the organization. According to Ed Smith, it was more effective to try to make changes from within the system, rather than putting pressure on from outside through the media, however, the threat of using the media was always there. (Conversation, February 10, 1992). Several state managers commented on how the Agency's lack of political affiliations and actions increased the Agency's legitimacy with the state (e.g. Provincial manager, July 13, 1987). Somewhat later a government manager suggested that courtworker organizations were more "professional" because service delivery was their sole mandate (Federal manager, October 23, 1987)[21].

RESPONSES TO FINANCIAL PROBLEMS

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21. It should be noted that some events occurred to assist in the resolution of the problems were ones over which the Agency had little or no control. They were opportunities, however, which the Agency recognized and used. These included the support of various Native political leaders, and the serendipitous seating arrangements on the plane after the 1970 meeting in Ottawa when Ed Smith was unable to have a private conversation with the then-Minister of the Department of Justice, as mentioned later in this chapter.

The financial environment for the new organization was quite hostile in that few financial resources were available and the insulation provided by the linkage with the Metis organizations had disappeared early on. The main long-term strategy of the Agency was to form a linkage with the state, ANY branch of the state.

The "almost religious fervour" inspired by membership in an innovative organization played an important role here, as did the leadership skills of Ed Smith. Responses included: making personal sacrifices, approaching a wide range of potential funders, relying on Ed's network of contacts for support, and the skillful use of Native political tactics.

It was the decision of all six staff members that they would continue to provide services without pay, thereby (in theoretical terms) defying the welfare dependent, social junk stereotype. After three months however, some of the staff could not support their families, although several supplemented their sustenance with "country food," that is, they derived their subsistence from hunting, fishing and gathering. One of the courtworkers from that time recalled: "I have to say we were stubborn or determined or maybe both. We were determined...to continue working. We worked the same if we had money or no money." (Staff member, May 14, 1987). Without the knowledge of his staff or family, Ed approached the bank for a loan to pay staff salaries.

It was not only the fact that the organization was non-profit, banks were also reluctant to lend money to Native-run organizations. The Indian Act with its "wardship" definition of Indian people made them ineligible to sign contracts. All of the Agency's staff at the time were Metis, but the banks did not differentiate between one type of Native organization and another. The bank, however, did consider Ed himself a good financial risk and as a Metis, he was not a "ward." With his house as collateral, they granted him a personal loan. This single act of sacrifice proved to be one of the most important moves that Ed Smith and, therefore, the organization made. As a federal senior manager later commented: "[Ed's] putting his money where his mouth is...[had] a very great impact...on government funders." They perceived Ed to be "somebody who has not just got his hand out. He's somebody who is willing to put his hand in his own pocket and take a bit of a risk because this is a good deal...and once you have a feeling of trust, not manipulation... it is much easier to get approval." In other words, Ed Smith had established his personal legitimacy with the funders.

Within a few months a joint agreement with Indian Affairs and the Native unit of the provincial social services department was signed for a pilot project. Letters of support were provided by criminal justice staff who had received services from Ed at the friendship centre. Monies were administered by a provincial community development commission, although the Agency did its own negotiating directly with the senior government managers (Student Paper, Fall, 1972). The funding was used to maintain current staff and hire an additional four staff members to expand the Agency's geographical territory. All were Treaty Indians, as required by Indian Affairs, giving a total of eight courtworkers and one secretary. Ed, who was the executive director, also continued to work in the Fort Jones courtrooms. In order to free up Ed to carry out fund-raising activities and to increase his ability to interact with the environment, the Agency was restructured in 1971 so that one of the courtworkers was made an assistant director in charge of the courtwork program. A similar position was created for the alcohol education program.

A provincial cabinet minister who was familiar with the early history of the Agency because of his previous position as provincial liaison with Indians and Metis, suggested that funding sources were not completely altruistic in their motives. He pointed out that at that time it was important for government departments to prove their trustworthiness to Native communities because of the Native community backlash from the White Paper of only three years before, and the government was still "floundering around" looking for solutions (Provincial Manager, June 2, 1987). The Agency no doubt seemed an excellent solution to the state—it provided an instrument of conversion, in Spitzer's terms, in that Aboriginal people were converted to working within the system seemingly on the system's terms and increased the state's legitimacy as service-provider.

Nevertheless, funding was still not secure. The money from Indian Affairs was short-term, and there were strings attached, so that this funding could only be used to provide services for Treaty Indians and, according to Ed, the Department was pressuring him to give more control of the organization to the bands. With the decolonization movement underway, the bands wanted more control of the hiring and supervision of Agency staff. Ed recalled that he disagreed on an organizational not a political basis, with this proposed revision of organizational structure and autonomy because it would mean some employees would have two employers. The problem of funders dictating who could be hired, that is, a Metis or a Treaty Indian, was resolved, first, by agreeing to allow the funder control, then resisting this control as soon as the means of resistance (in this case, additional funding and creative job descriptions) presented themselves. The creative job descriptions ensured that clients, Metis or Treaty, could be served by assigning "half positions" to each funder so that while the staff member might personally be a Treaty Indian, he could also provide services to Metis, and vice versa. The four Treaty Indians were assigned to the southern half of the province which contains several large reserves. The new staff positions were filled based on a list of recommended members of the local Native community put together by the band councils and Metis locals (Agency Newsletter, October, 1977). The actual members were hand-picked from this list by Ed.

Ed continued to search for more funding resources. In addition to the Department of Indian Affairs, he approached the federal Department of Justice, the federal Solicitor General's Department, National Health and Welfare, the Local Initiatives program, the Opportunities for Youth program, provincial social services, the provincial Solicitor General's department, and other government departments and private foundations. No other funding alternatives presented themselves until October, 1970 when Ed, along with the members of several Native political organizations, attended a meeting in Ottawa at which the federal ministers responsible for education, welfare, alcohol services and criminal justice were in attendance. The political leaders "lambasted" (Ed's term) the Ministers of Justice and the Federal Solicitor General for their lack of action on Native issues. Ed reports that he did not join them, but rather, when his turn came to speak he avoided political censure and instead, described the courtworker services and acknowledged that it took time for bureaucracies to move. After the meeting, Ed, serendipitously, found himself seated on the plane beside the Minister of Justice. By the end of the flight, the Minister had made a verbal commitment to fund the program. Ed had earlier met with senior officials in the Department of Justice and in the federal Solicitor General's Department and had won their support for his proposals. One official recalled:

"The scheme he had developed in [the Province] seemed to me to be excellent.. we wanted a nation-wide scheme, not necessarily identical but allowing for local conditions. [Ed] was extremely helpful to us in establishing this scheme." Another of these managers was later assigned by his Department to present several proposals for Native programming to the federal Cabinet Committee, one of which was Ed's proposal for a courtworker program. (Interview, October 23, 1987). Ed's plan was that DIAND and the Department of Justice would cost-share a provincial program thus ensuring services for both Treaty Indians and Metis and Non-status Indians. This framework was eventually adopted across Canada in 1972 on the grounds that it had proved itself successful and solid in the Province. This was the beginning of mutual dependency between the federal branch of the state and the Agency.

This early endorsement and later financial support of the Department of Justice gave the Agency legitimacy from which to enter other areas such as alcohol education and counselling for which a proposal was developed in 1971.

While diversification of funding resources worked to the advantage of the Agency (in that no one funding group had complete control over the Agency's mandate), it also worked to the Agency's disadvantage (in that the number of groups that had to be negotiated with was higher and jurisdictional problems happened). One of these problems was the conflict between federal and provincial governments about who had responsibility for Native offenders and Native young people involved with the system (Provincial Manager, June 21, 1987). The second problem, already referred to earlier, was the differing mandates of the various funders. For example, as a federal manager said, "Indian Affairs wouldn't touch Non-Status and Metis people with a ten-foot pole." (Interview, October 23, 1987). It should be noted, however, that even in 1991, funding contracts were negotiated on a year to year basis, making long-term planning for the Agency extremely difficult and giving the state funders a means of maintaining control over the organization.

CONCLUSIONS

In 1970-71, the Agency was facing a large number of obstacles as it tried to find a niche for itself in the criminal justice system. This analysis led to a number of conclusions about the early stages of the life cycle of the Agency and the Agency's relations with Aboriginal communities and the state. These conclusions encompassed the special liabilities of newness faced by Native organizations especially in regards to legitimacy, the control of problem populations, leadership credibility as an organizational resource, the development of mutual dependencies, the role of culture in the development of legitimacy, apoliticalness as a response to the political turbulence of the environment, the development of an "in-between" status, and the development of mutual dependencies, selective resistance, and balance as organizational strategies.

I concluded that the Agency suffered more or less normal birth pangs. While relatively little research has been done on the creation of new organizations, "normal" problems to be solved during this stage have been identified as uncertainty in decision-making, identification of the work to be done, the negotiation and establishment of new roles and relationships, the discovery of cause and effect relations among structures,

behaviours, processes and outcomes; the development of routine activities; the establishment of an organizational structure; the emergence of belief systems to govern decision- and policy-making. The successful journey through these straits is shown by the institutionalization of structures and procedures the organization has found to be effective and comfortable (Miles and Randolf, 1980:46-47).

The Agency had difficulties in establishing itself in a criminal justice system niche. It had to develop new roles and relationships, to establish external legitimacy, and to compete and maintain a working relationship with well-established organizations providing services to Native offenders. The structure of the Agency in this early stage was very simple, with a hierarchy having been established primarily to free the executive director to do fund-raising. Communication seems to have been very informal; decision-making was done on a consensus basis and supervision was very loose; most organizational procedures seemed very flexible. The executive director seems to have carried out most of the tasks of the strategic control subsystem, leaving many of the managerial tasks to the assistant director. The operational subsystem was still in the throes of development and was the centre of much pressure from the environment. The human subsystem, that is, personnel, was the centre of the organization and the most important internal resource. Job generalization (as opposed to specialization) was at its most diverse in Agency History. Staff performed not only courtworker (and other) duties, but provided public relations, and did program development.

These characteristics are likely those of a "Native" organizational structure (see, for example, Jules, 1988). Whether or not they are also the characteristics of a new **non-Native** criminal justice organization is a matter for further research.

The exception to the Agency's "normality" was the source of its lack of legitimacy. The Agency had to establish itself not only as a new organization providing innovative services, but as a **Native** organization providing innovative services. Because of socio-historical factors, Aboriginal people were considered "social junk," and staff members and the organization itself may have been identified with this population by members of the state and the criminal justice system. This raised questions about Agency capabilities and loyalties (that is, loyalties to the state or to the problem population). The Agency, as a result, had difficulties with obtaining a bank loan, lack of cooperation if not active hostility from some criminal justice system members, and having to depend on funding from the state (although little was yet forthcoming).

I also concluded that it was likely that, at the same time, criminal justice system members and state managers saw the potential of the Agency as an innovative instrument of control over the Aboriginal problem population of offenders (following Spitzer, 1975). State managers also may have seen the Agency as an instrument of state legitimation in that state support of the Agency could work to "cool out" the Native political organizations which were not only still responding with outrage to the White Paper, but beginning to push for self-government. Supporting the Agency could also serve the state as a means of responding to criticisms from various reports on Aboriginal involvement in the criminal justice system. Most importantly, supporting the Agency gave them both a technology (Native-operated court services) and an ideology (Native politics and services don't mix).

Another conclusion was that, as the Agency seemed to have discovered, one way of developing legitimacy was to use earned legitimacy to gain more legitimacy, so that the

endorsements of one group were used by the Agency to gain legitimacy with other groups (through meetings, workshops, and so on). Using legitimacy to get legitimacy was a strategy also used by the various branches of the state so that, as seen here, they used the Agency's support to establish more legitimacy with Native communities. I concluded that this was the beginning of the relationship of mutual dependency between the Agency and the state.

The Agency's legitimacy started with the legitimacy of the founder, as can be seen in the identification by criminal justice system members of the service with Ed Smith, not the Agency. The apolitical service provision ideology which was playing such an essential role in developing the organization's legitimacy, was his. His risk-taking had direct impact on obtaining funding. The faith that staff and other participants had in his vision led to actions (such as working without pay and championing proposals) that assisted the organization's legitimacy. I concluded that leadership is one of the most important resources needed by an innovative organization (this is explored further in Chapter 5).

Similarly, the personal credibility of staff was also used as a resource, especially in building Agency legitimacy with criminal justice system members and the Native communities.

I concluded that the Agency also found other effective ways of developing legitimacy, including beginning to incorporate bureaucracy (which is explored in detail in Chapter 6) and developing the above-mentioned apolitical stance. This stance helped the Agency establish legitimacy with state funders since it meant, among other things, that the Agency wouldn't challenge the state's legitimacy in the media or elsewhere. Supporting the Agency also saved the state from having to deal with the Native political organizations since the state's wardship ideology towards Aboriginal people (as discussed in Chapter 2) ran counter to the idea of self-governed Aboriginal programs.

An apolitical stance also was important in gaining the support of the Native political organizations which at the outset wanted the courtworkers politically involved in confronting the state and then, later, wanted the Agency and Ed Smith to "stay the hell out of [Native] politics." It is likely that this apolitical stance was the only viable alternative, short of giving more control of the organization to the Native political organizations, that was even passably acceptable to them.

The Agency's apolitical stance suggested a very different political ideology than the ones espoused by the state and the Native political organizations. It was couched in an ideology of service provision and thereby could not offend either of the political opponents. The impact of political interference on service delivery in other organizations was pointed to. As one staff member expressed it, "politics and whether you get justice or not just don't jibe...[they] are two separate things. You can use certain cases for political advantages, but [that does] not help the client, maybe, generally, make it worse for the client." (Interview, April 1, 1987).

In an environment as politically turbulent as the one in which the Agency existed, an ideology based on further conflict, I concluded, would likely be detrimental to organizational survival. This is not to say that organizational members did not get into conflicts, as in the conflicts with the boards of the friendship centre and the Metis organization, but harmonious working accommodations were striven for. The organization deliberately presented itself as a "safe" alternative to the Native political organizations,

making it a politically attractive partner for the state to support[22]. Even so, Ed Smith recalled a judge saying to him "you are radical, but you're quiet." (Conversation, May 5, 1992).

The Agency also had to establish legitimacy with Native community members and clients. This mainly involved providing services in a culturally-appropriate manner, that is, (primarily) holistically. Native cultures in general put a high value on sharing, social harmony, cooperation, consensus and balance (see Bopp et al., 1984). It is possible that these values were underlying not just client expectations of Agency services, but the development of the Agency's ideology. The Agency saw itself as part of the criminal justice system, and therefore as striving for co-existence with the state and the criminal justice system's other members. I concluded, therefore, that culture could be used as a means of establishing legitimacy.

I also concluded that the Agency was developing mutual dependencies with the Native political organizations which were searching for resources to use to further their purposes. The Agency had access to some useful resources, such as increased legitimacy and damaging information about the practices of criminal justice system members. As it was, the Agency didn't give the Native political organizations access to these resources, so that these organizations weren't very dependent on the Agency (except, perhaps, for the legitimacy that they received from their constituents for supporting the Agency). The Agency was, however, dependent on them for funding, access to clients and other resources.

Mutual dependencies also had to be established with members of the criminal justice system despite initial interactions based on discrimination and competition. This was done by the Agency providing a wide range of services to them, especially to judges, in addition to the services provided to Native clients. Their eventual support was used to establish legitimacy with other groups and thereby develop more mutual dependencies.

For reasons of resource dependency, the Agency had to develop working accommodations with all parties even though some of these groups were in conflict with each other. I concluded that, as a result, the Agency occupied a unique "in-between" status. This in-between status described not only its location between Native political organizations and the state, but between Native clients and the criminal justice system, and the Native and non-Native populations. While the original intent of developing this status was "to serve as a bridge," that is, was to provide services to Native clients and the criminal justice system, it became a strategy for surviving the political turbulence of the environment and, as such, was closely related to maintaining an apolitical ideology. This position seemed to have been acceptable to both the state and the Native political organizations, but only as long as the Agency favoured neither camp.

The final conclusion was that the organization had to develop special adaptive skills for handling the political and economic turbulence of its environment. These included the development of mutual dependencies as discussed above, and "selective resistance" and

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22. It could be argued that the Native political organizations had an ideology of eventual co-existence with the state once a third level of government, that is Native self-government, had been set up; however, in the short-term, relations with the state were seen as a "zero-sum game" of conflict (Frideres, 1993:508-9).

"balance." Selective resistance refers to a dynamic process of acquiescence and resistance to a wide variety of control attempts by members of the environment as they struggled to fill their own goals and respond to needs. The organization made choices about actions and negotiated with each party about which demands to give in to and which to allow. Examples were channelling community demands for control into certain areas, and allowing the judges to set courtworker job limits. The end result was a balance and a means of staying in-between. These strategies may have been rooted in Native cultural values. In some ways, this position of "balance" represented a microcosm of what the self-government movement was trying to accomplish—relative autonomy despite dependency on state funding—a relationship inherently full of contradictions, but unavoidable because of the conflicting goals of the state and the Aboriginal political groups. The irony was that the Agency also was trying to maintain autonomy not only from the state but from the Native political organizations.

The analysis revealed a number of areas in which critical criminology didn't fit the data all that well. The greatest concern, as anticipated, was this framework's inability to deal with the racial nature of state-Aboriginal relations. While Spitzer's (1975) idea of the state using an organization like the Agency to control a problem population fits the data, it could not account for the race-based, instead of class-based, origins of the Agency's legitimacy problems with the state and the criminal justice system members (as seen in discriminatory policies and attitudes). Nor could it account for the fact that the Agency was also supplying services to non-Natives, which contradicts the "containment" part of the model.

That the Agency would respond to the political turbulence in its environment by developing an apolitical, in-between stance was not surprising from a social organizational view since this increased access to resources, but in terms of critical theory and the struggle between subordinate groups and the state, the Agency would be expected to take sides—either with the state as a co-opted organization or with the political organizations as a fellow member of the "underclass." Neither of these was the picture emerging from this case.

The "snapshot" of the Agency in 1970-1 reveals a new organization already well on the way to developing a unique ideology and a number of strategies for survival based mainly on its "in-between" status.

CHAPTER 5: STAGE 2: 1974

By 1974 many of the liabilities arising from the Agency's newness had been dealt with, however, legitimacy still remained a problem, not surprisingly, since its maintenance is important to all organizations. Loss of legitimacy can mean either organizational transformation or death (Hall, 1987:205).

In most other ways, however, the organization was successful, that is, effective from both an internal and external point of view[1]. Conflicts arising from rapid expansion had also appeared. While the Agency had established some degree of legitimacy with most of the groups in its environment, it was still under pressure from the Native communities and especially the Native political organizations. Rapid growth combined with legitimacy concerns meant confusion both inside and outside the Agency about a number of issues, including Agency autonomy, the roles of organizational participants, and Agency structure.

Because the Agency's structure was unusual for Native organizations of the time, it was under pressure from the Native community to conform to a more "proper and useful" structure by changing the functions of its board of directors and senior management. The organizational participants who reacted to this pressure were the members of the board of directors.

The macro-level context for the crisis that ensued pointed to the role of political struggles in the environment in determining organizational structures and operations. This chapter is divided into four sections: socio-historical context, obstacles to Agency survival, Agency response, and conclusions[2].

SOCIO-HISTORICAL CONTEXT

Socio-historical factors that led to the difficulties of 1974 were rooted in, first, continuing problems with legitimacy, particularly with the Native communities and Native political organizations, and, second, the internal and external conflicts that resulted from the Agency's rapid expansion. While over-expansion may lead to decline (as seen in Chapter 6), it was only an indirect contributor to the difficulties[3] in this case. Socio-historical factors that influenced the Agency were mainly in the area of informational technology, politics and organizational ecology.

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1. See Hall (1987:261-297) for an overview of models of organizational effectiveness.

2. Because these events occurred before I came to work for the Agency, the primary sources of data are documentation, archival interviews and more recent interviews.

3. It should be noted that although I started work only 4 years after this crisis, it was not a topic of general conversation. Its importance emerged only in the current interviews. This confirms the relatively minor nature of the problem, although it was definitely identified as a difficulty by the key informant, several staff members and at least one outside observer.

LEGITIMACY

The Agency had gained a significant amount of legitimacy with the state and the criminal justice system in the time period between 1971 and 1974-5, as indicated by the incorporation of Native programs under the provincial Solicitor General department's mandate (Conversation, Provincial manager, May 19, 1988). The Agency was still working to maintain this legitimacy, however, and several events assisted it to do so. By 1974, it had completed its collection of band resolutions which had been started in 1970 (See Chapter 4). Ed Smith had been asked to be an advisor to a provincial task force on Native suicide[4], and had been given an award by the province for achievement in community services. The Agency's annual meetings between 1972 and 1975 hosted representatives from other courtworker programs and provincial attorney general departments, at the expense of the federal Department of Justice. The purpose was to demonstrate that courtworker services were possible and effective (and, possibly, as suggested later, to begin the process of co-opting the Agency).

The Agency was taking a more activist, though still apolitical, role in the criminal justice system. Staff wrote and presented a paper at the Canadian Criminology and Corrections Association, made a report to a provincial commission on the court system, and ran a research project on alcohol-related sentencing.

Some events that could have offered the Agency more legitimacy were resisted. In 1974, the Agency and the other courtworker organizations survived an attempt made at a national Legal Aid conference to have courtworkers redefined as "paralegals," a type of service position whose role is more circumscribed than that of the courtworkers (Agency History, Chapter 3). While this job is more commonly known and accepted, it would have affected the innovativeness of the organization and caused legitimacy problems, in that it would have severely limited the abilities of the courtworkers to provide a wide range of services to their Native and criminal justice system members clients. Paralegal services are limited to specific legal tasks such as documentation for litigation and court work (Yates and Yates, 1993:174) and Native courtworker covered the range of the criminal justice system (as described in each stage).

As well, a Provincial MLA approached the Agency in 1974 with the idea of introducing a private member's bill to recognize and govern courtworkers. The Agency disagreed, afraid that, while such an act would give the organization status, it would also limit its role (Ed Smith, April 7, 1987; February 19, 1991). Similar suggestions were made in later years, but the Agency did not encourage them even though the likelihood of a private member's bill being passed is quite small[5].

From the 1975-76 projections in the 1974-75 annual report, it can be seen that Agency was planning further expansion. Mentioned are the hiring of additional courtworkers and liaison officers, a training department, ranches for juvenile offenders, and alternative programs such as fine options and restitution.

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4. The Agency later developed a suicide prevention training program that ran from 1984-87.

5. Thank you to Jim Frideres for this insight.

The organization felt that it had gained legitimacy, stating:

> With [the Agency's] reputation with the general public of being a solid organization, our staff members are being asked to sit on Committees and Task Forces that deal with the Native population. (1973-74 annual report)

The report goes on to list 12 examples that range from local legal aid committees to a national task force. As well, the annual report states "The attitude of the Social Agencies and the people involved in the Justice System of apprehension and suspicion has now changed to one of cooperation and respect. They now assist us in every way and do their utmost to help us accomplish our goals." (1974:14). The Agency's assessment was confirmed by some federal managers (Interview, October 23, 1987).

In 1974, the first formal review by outside evaluators occurred at the request of the Agency. The results of the report were somewhat critical and the Agency staff, believing they had gained sufficient legitimacy to be invulnerable from questioning, over-reacted (see Baum and Oliver, 1991:189). Recalled Ed:

> I suppose we thought we were doing a hell of a job and [the evaluator] identified some things that he felt or sensed, and they seemed quite critical. I know we were prepared to write a letter to [the evaluator and his supervisors] [saying] 'Who the hell does he think he is, coming to us with this evaluation?' After thinking about it, I realized [the evaluator] did it because he was concerned about us...these were issues that had to be addressed, so we proceeded to correct them." (Interview, April 15, 1987).

Despite its criticisms, the report was quite supportive of the services, adding to Agency legitimacy.

There was still a problem with legitimacy in the Native communities. This problem seems to have been rooted in the differing organizational structure of the Agency as compared to the Native organizations of the day. Native political organizations were still the most common kind of organizations and many of them were short-lived for financial, administrative and political reasons. The Agency continued its apolitical stance and "strictly stayed away from political maneuvering" (Agency staff member, August 4, 1987). Staff members were urged for the sake of the Agency to stay away from political involvement.

The slowly increasing number of Native organizations adopted some of the structures of the Native political organizations, including the political nature of the board of directors. The other Native courtworker organizations across Canada[6] were built on different models than the Agency, especially at the board level[7].

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6. By 1975, the Agency had been joined by courtworker programs in nine other provinces and territories. Hopes were high at the Agency that it would not be long before every province and territory would have a program. Alcohol treatment programs were also springing up.

7. See Figure 2 for the Agency's organizational structure in 1973-74.

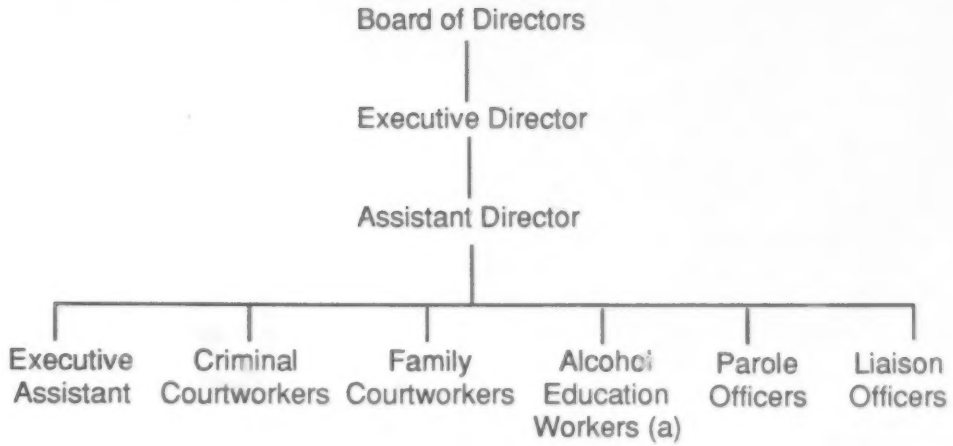

Figure 2: Agency Organizational Chart, 1973–74

Some were under the umbrella of provincial friendship centre organizations; one was a sub-department of its provincial government. Some organizations had no board; others had a board elected by region; others were under a friendship centre board. In later years, some of the courtworker organizations had elected boards of directors, that is, the board members had to be nominated and voted into the position of board director.

Prior to 1974, elected boards were the most common form found in Native organizations (Other CJS member, August 14, 1987). Another relatively common form was an appointed board in which several of the members were appointed, not by the organization but by Native political organizations or by state funders. Some organizations had boards in which the majority of its members are appointees of this type. These models seem to have evolved out of Indian Act requirements for band councils and a need to satisfy political factionalism in the communities. Since board members were reimbursed for expenses and received honoraria, there may also have been an economic imperative to "spread the wealth around" (Personal observation). These boards could also be defined as "political" because of the vested political interests that the members brought to their positions. Many of these boards described themselves as "policy-making" but actually controlled the organization (Ed Smith, November 18, 1991), that is, they were "working boards" that handled the day to day administration of the organization, including hiring and negotiating for funding, and were paid accordingly (Staff member, October 15, 1987; Conversation Ed Smith, February 12, 1992). In most Native organizations—political and service—of the time, the president of the board was the spokesperson for the organization and board members attended funding negotiation meetings and other meetings on behalf of their organization (Conversation, Ed Smith, February 12, 1992). In 1974-75, the other Native organizations in the Province, mainly political bodies, had elected boards exclusively.

The organizational repercussions of having a political process involved in board selection were many: long-term continuity of board members was the exception rather than the rule; training for board members had to be on-going or else constant conflicts occurred because board members were unaware of their roles; and conflicts between board members and administrative staff occurred regularly as board members reacted to political pressure from constituents wanting changes or more control of the organization.

Native political organizations, desiring to increase their power base, focussed on boards as an access point in gaining more control of other Native organizations. In cases where boards were appointed, political organizations asked to place members of their own organizations on the boards.

Problems with legitimacy in the Native communities were exacerbated by competition from other Native organizations for scarce financial resources, for example, at the beginning of the 1973-74 fiscal year there had been six alcohol workers; by the end of the year, the Agency's board of directors made a motion to discontinue the program (Agency annual report, 1973-74) and the workers were transferred to other positions[8].

The whole area had become political and the competition with other Native organizations for funding was a "dogfight" (Staff member, August 4, 1987) in what was still a relatively hostile funding environment[9]. With the difficulty of getting funds threatening the continuation of the alcohol programs and the influx of new organizations into the area, the Agency left the field.

AGENCY EXPANSION

By 1974-75, the Agency was rapidly expanding and becoming more established and visible within the Provincial criminal justice system. It was perhaps even more visible within the Native community because of the expanding number of programs it provided and communities it served as well as its success in obtaining funding from the state. It was well into a cycle of expansion so that increasing demand for services led to increasing visibility which led to increasing demands. In times of demand, generalization, which was what the Agency was doing, is usually the best strategy (Romanelli, 1989:376).

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8. In 1973, the Agency had proposed the establishment of a provincial committee on Native drug and alcohol abuse. Part of the role of this committee was to define the role of the Agency in providing alcohol treatment services. The Agency hoped to develop a province-wide program that incorporated the piece-meal proposals of a number of Native communities. Presentation were made to a several federal departments. This "Indian Alcoholism Training Program" would train counsellors, provide program management training and training for trainers. According to Ed, the idea was taken by the Department of Indian and Northern Development and developed into The National Native Alcohol and Drug Abuse Program (NNADAP), but was made available only to Treaty Indians. The national Metis organization could not be convinced to fight for the inclusion of Metis people in the program.

9. It should be noted that many of these organizations had received assistance from the Agency in organizational development and funding acquisition.

By the end of the 1973-74 fiscal year, the Agency employed about 30 staff, an increase of 20 from 1970-71 (This figure is an estimate based on the 1973-74 Annual Report which does not give an exact figure). The Agency's structure had not changed appreciably since its start-up stages. The courtworkers' roles were becoming somewhat more generalized. Between 1971 and 1973-74, a liaison officer, a parole officer and a family court counsellor had been hired. The Agency expanded the number of places in which it expended resources, as well as increasing the quantity of resources controlled (Romanelli, 1989:373-5)[10]. It expanded into the areas of parole supervision (2 supervisors), prison liaison services in federal and provincial correctional institutions (2 Native liaison officers), and family and juvenile courtwork (13 family courtworkers)[11].

Agency services were provided from offices located in seven towns and cities, in addition to Fort Jones. Their locations ranged from the middle northern section of the province to the far south. Courtworkers were providing services in criminal, family and juvenile courts, as well as in the federal and provincial correctional institutions that had no Agency liaison officers. The head office in Fort Jones had been relocated to a building near the city's bus depot, handy to the gathering places of many of the Agency's clients.

According to the Agency annual report, courtworkers assisted 6323 individuals (5266 males and 1057 females) in 1973-74, up from previous years because of the increase in the number of Agency staff. Court services were similar to those provided in 1970-71.

Parole officers supervised 265 clients on parole and mandatory supervision and completed 13 community inquiries. Prison liaison officers assisted 731 male and females inmates. Family court services were provided to 591 males and female clients, the majority of whom were female (566). The alcohol education program, before it ended, assisted 748 individuals with counselling, referrals, and interpreting.

The Agency's budget had increased accordingly, from $80,000 to $469,000 in 1974 ($655,000 in 1975) (Agency annual reports, 1973-74, 1974-75). The major portion of the 1974-75 budget, 69%, came from two provincial government departments; 8% came from the federal government; and 23% came from other sources. The majority of this funding was for the criminal courtworker program. Funding had become more or less stabilized in 1972 as the Agency formed a contractual link with the Department of Justice as the federal funding source on a pilot project basis (Correspondence, Federal manager, September 11, 1987)[12]. A stable provincial source had also been found with the Agency

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10. The 1973-74 figures are used because the organization's problems occurred only 3 or 4 months into the 1974-75 fiscal year Both sets of figures are reported whenever possible because of the overlapping nature of the problem events.

11. A 1972 report on foster care recognized the special needs of Native foster children and suggested that the Agency might be a good vehicle for increasing Native child welfare services.

12. On-going funding did not begin until 1978 when federal/provincial /territorial courtworker agreements were signed in each province or territory. The Department of Justice did not and does not, contract directly with the carrier agency, that is, the Native organization providing the courtworker program, but with the provincial/territorial government. This department then contracts with the Native group.

being "assigned" to the newly formed provincial Solicitor General's department[13] in 1974.

As a result of this rapid growth and the pressures from political turbulence in the environment, uncertainty occurred at every level of the Agency, as the Agency and its members tried to adapt. Uncertainty led to conflicts at the front-line and board levels.

Front-line level:

As mentioned, the Agency was still under pressure from Native communities and political organizations especially, and some criminal justice system members to define the Agency's activities in terms that suited their expectations of what the courtworkers' role should be. Staff members, as a result, were encouraged by the Agency and by environmental members to provide a wide range of services. This had both positive and negative consequences for the Agency. Positive consequences included organizational flexibility and innovativeness. Negative consequences included uncertainty among some staff about their role and the role of the Agency. As in 1970-1, the courtworkers were expected to carry out a wide range of services so they could "respond to the varied needs of both the Native people and Justice System...the courtworker attempts to bridge what ever gaps may exist..." (Agency annual report, 1973-74:6-7). A number of reasons existed for these expectations: 1) courtworker clients did not restrict themselves to asking for help in only certain areas (as described in Chapter 4); 2) many communities, especially isolated communities, had no other services available; 3) front-line staff were asked to take on extra duties as a means of introducing new services (and new technologies); and 4) providing extra services was still perceived as a means of gaining more legitimacy for the Agency.

Extra duties (many of which were instigated by front-line staff) in 1974-75 and in later years, included: assisting in divorces, assisting with legal applications, assisting in complaints against the police, sitting on legal aid committees, putting on workshops, helping with impaired drivers education, and meeting with game wardens. (Staff member, April 22, 1987; June 22, 1987). A provincial state manager commented that " 'Courtworker' is more a definition of convenience...rather than defining precisely what a courtworker does." (Interview, July 31, 1987)[14].

While staff were given the freedom to develop their position to meet the

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13. The provincial Attorney General's department was split into two departments. Although the Agency's court-related work would suggest it should have been funded by the Attorney General's department, that department was not particularly interested in innovative programming, unlike the Solicitor General's department which saw the Agency as having the potential to provide more broad-based services (Provincial manager, July 31, 1987). I would also speculate that the newness of the department encouraged its managers to look for areas in which to expand.

14. This expectation continued into later years when courtworkers were trained to carry out extra duties, such as running parenting skills groups and doing parole supervision. Staff in each program had extra duties, not just the courtworkers. This flexibility led to good staff morale. As one staff member commented: "...one thing I like here is that they let me be on my own. I made my own plans and my own decisions and I think that way I done more work than being pushed into things." (Interview, November 18, 1987).

expectations of the local community, this also led to problems when staff strayed too far outside the limits of the job description. The expectations of Native clients and communities continued to be more wide-ranging than the organization's mandate formally included. One courtworker recalled:

> The one thing that stands out in my mind is that a lot of people thought that we were lawyers, or for sure, lawyers' assistants. Our job was to get them off, whether they were guilty or not guilty, it was irrelevant...we are still being referred to as "Indian lawyers," and sometimes we get somebody who is a little upset because they didn't get off: 'The Indian lawyer didn't do nothing for me...' and that was never the purpose of our job. (Interview, May 12, 1987).

Word of mouth spread the misconceptions about the powers of the "Indian lawyers," especially from those who had been successfully assisted. As a result, as another courtworker explained, Native communities "...don't understand what our role is. Because a guy gets sentenced to jail, they feel that we haven't helped that guy, so their perception of helping is different than what...we can do in courts." (Staff member, May 6, 1987; See also Staff member, May 14, 1987). Sharing office space in some communities with staff from Native political organizations also caused confusion in the minds of clients about who did what job and which organization was responsible for the program (Conversation, Ed Smith, May 12, 1992).

Community demands sometimes pushed courtworkers into conflict with the Agency's management which was more informed about the vagaries of state funding policies and expectations[15].

While staff were aware of the Agency's "plan," they sometimes interpreted their jobs to include, for example: setting up recreational programs, running youth groups, running a home assistance program, and acting as truant officers. If these did not interfere with mandated courtworker duties, problems seldom occurred, even if the service was only distantly related to the job description. When these activities became time-consuming or threatened to endanger Agency-funder relations, the tolerance of senior management lessened[16].

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15. In later years, an example of this occurred when the inmates of one forestry camp bought a satellite dish from their own funds. Some community members became so concerned about this "coddling" of the inmates that it was brought up in the legislature. After hasty consultations with management, a high fence was built around the dish so that it became just another "shed." (Personal recollection).

16. It should be noted that the freedom given to staff to interpret their job descriptions led to a lack of consistency in services across the province (Staff members, April 28, 1987; April 29, 1987) and occasionally led to funding contracts being violated (Conversation, Ed Smith, May 12, 1992). It also lead to some staff working beyond their capabilities and knowledge, using the job to further their own ambitions, or "burning themselves out" trying to be all things to all people (Agency history, Chapter 5; Conversation, Ed Smith, May 12, 1992; Interview, Staff member, April 29, 1987). It was difficult for staff providing a wide range of programs to become proficient in the duties of

If staff members didn't carry out extra activities they came under pressure because they must live in the community, but if they documented these activities, state and other funders reacted badly. As a result, staff felt as if they were "damned if they do and damned if they don't" (Staff member, October 15, 1987). An early prison liaison officer recalled: "We had a kind of a job description, but [for] the work in the institute it is pretty hard to go by job descriptions—you have to go by what's best good for the inmates, not what's good for [the Agency] or the jail." (Interview, November 18, 1987).

The concept of "in-between" emerged in this context as a staff member called a courtworker an "in-between person" referring to the worker's position between the Native clients and the criminal justice system (Interview, May 14, 1987). Environmental turbulence and continuing legitimacy needs led to uncertainty among Agency front-line staff. They, like the organization, were caught in-between, in this case, in between Native clients and communities and the criminal justice system, and in between the expectations of clients and of Agency management.

Board level:

Just as the front-line staff were buffeted by conflicting demands from a variety of sources, the board of directors was also in a position of having to react to conflicting environmental expectations. The first source of expectations was the Native community and political organizations; the second was Agency management. The expectations of the state were also important.

As mentioned earlier, the structure of the board was atypical of Native organizations of the time and it may have been the first Native organizations to try this structure (Staff member, May 13, 1987). It was comprised of seven Native people representing non-status Indian, and Metis and Treaty Indian peoples, as well as all the geographical areas of the Province. A relatively even split of men and women was considered desirable, but was not in existence in 1974-5 (Staff member, August 4, 1987). It had been decided early on to keep the size of the board small to decrease the possibility of internal conflict (Staff member, August 4, 1987). The board members were the only members of the Society, all others were employees of the Society.

When the Agency was established it was also considered necessary to have a non-political board, that is a board that was appointed and not elected. This was the structure endorsed by the judges and the state (Federal manager, April 16, 1987), and the most likely to be effective, based on Ed Smith's experiences with the friendship centre and Metis organization boards (see Chapter 4).

To allow more participation by environmental players in the organization, the Native political organizations and Native communities were asked to suggest possible candidates whenever a vacancy opened. Members were chosen and appointed by the board itself, based on how well respected each candidate was in their home community, their stability, and their knowledge of the community and of its criminal justice needs (Staff

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all of them (Staff member, August 4, 1987). This problem was compounded by the lack of direction from some members of senior management (Conversation, Ed Smith, May 12, 1992), and a lack of documentation accounting for efforts and expenditures (Agency history, Chapter 5).

member, August 4, 1987). At that time the Agency felt it needed a balance between a board that could assist in internal organizational development and would be seen by the Native political organizations and the state as a board representative of the communities and the various Aboriginal statuses (Other CJS member, August 14, 1987) so as to increase the Agency's legitimacy.

The board was designed to be a policy-making board and its members were expected to be advocates and idea generators for the Agency (Staff member, April 9, 1987). An Elder[17] explained that a board was expected to "guide political leaders. Sometimes they get lost out there...like you get lost in the bush. You get kind of confused and then sometimes you have to backtrack where you come from, and then you will find the Elders over there. They will ask you where you have been, if you've been lost." (Staff member, May 11, 1987). The board was responsible for supervising the activities of the executive director, but no other staff.

Board members were expected to look at issues as a whole (Ed Smith, November 18, 1991). The Agency board was set up to operate on a consensus basis, not on a system of democratic voting. As Ed explained, reflecting back to his experiences with the friendship centre board, "If something came up and somebody really believed [in it], and they didn't get their way and there was a vote on it...if it was defeated, [they] would continue to bring it up." (Interview, November 18, 1991).

The board had a number of sub-committees including a personnel committee for staff grievances, and a finance committee. In the time period up to and including 1974-75, the tasks of the Agency's board strayed frequently into the administrative area, with board members involved in tasks such as staff hiring, setting salary ranges, and designing job applications (Board of director meeting minutes, February 13, 1971). These board services were necessary at the time because of the small number of Agency administrators. The range of duties required that board members have a great deal of flexibility in their job descriptions. There was some discomfort among managers about where the limits of this involvement should be placed even though this role of the board was more in keeping with the roles taken by other Native organization's boards.

The board met once a month at various places around the province and all Agency managers were expected to attend. This made it easier for front-line staff to have access to board members, a situation that caused problems when some board members got involved in complaints about hiring and against management (Ed Smith, November 18, 1991). The attendance of Agency staff didn't end until the number of attendees became quite unwieldy (Staff member, April 30, 1987).

The dedication and humility of some of the early board members became organizational legends and were later used by the organization to clarify Agency expectations of it board. A story was repeated several times by respondents about one member, an Elder, who resigned every year because he believed that he could not speak nor read well enough to hold the position. Every year he was convinced to stay because of his stability and wisdom (Staff members, April 14, 1987; April 29, 1987). This same

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17. Elders are members of the grandparent generation respected for their knowledge and wisdom. Many have special skills in counselling, healing, art, and other areas.

individual was held up as an example of what makes a good board member. He was described as follows by a staff member:

> A tremendous pillar in his community. A very humble man, but at the same time, a very visible man. Family-wise he had one of the most stable families in the area. A hard-working individual. And there was that kind of strength...that [he] brought to the board out of humbleness, out of dignity and out of trust--and hopefully some of us will develop into [someone like him] eventually. (Interview, August 4, 1987).

These kinds of personal qualities were not enough to keep the board from having problems, both minor and major[18]. Major problems revolved around lack of agreement between the board and Agency management about the appropriate structure for the Agency and, in particular, the place of the board. This disagreement likely came about because of: community pressure on the board, a lack of understanding of its role by the board, and board member reactions to the lack of socio-economic opportunities in the Aboriginal community.

The board was expected to be a conduit from the communities to the Agency (Staff member, April 29, 1987), a function that had both positive and negative repercussions. The board members put pressure on administrative staff to respond to their individual interests and their community's priorities, such as alcohol education and probation supervision. Several of the members were politically active in the Native community, even though they were encouraged not to be by other board members and Agency staff. They occasionally used board meetings "as a platform for furthering their [political] career" (Staff member, April 29, 1987) but usually refrained from presenting their political viewpoints at board meetings (Staff member August 4, 1987)[19].

Pressures on the board from their communities combined with lack of expertise in the policy-making functions of boards led to conflicts with management. A former board member recalled: "With the lack of understanding of our roles as board members and just how much authority we did have, it created some problems." (Interview, April 29, 1987). Some conflicts were the result of expectations based on the structure and role of other

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18. Some of these problems were minor administrative problems, so that, for example, there was a problem of absenteeism with the board between 1971 and 1973 so that quorums for a meeting could sometimes not be reached and meetings had to be rescheduled (Staff member, April 29, 1987). This was eventually resolved by paying the board member's travel expenses and by hiring temporary workers to fill in for board members at their jobs, if necessary (Staff member, April 14, 1987). There were also problems with the expenses of some board members being too high. These problems were called "growing pains" by a staff member, who also recalled that they didn't really subside until about 1976-77. (Interview, August 4, 1987).

19. Some of these members used their dual roles to protect the organization. Ed recalled that when one such board member resigned he told Ed that he had come to the board mainly to protect the Agency from the political organizations so that the Agency had a chance to establish itself (Interview, November 18, 1991).

boards. Two members of the Agency's board had also been members of the boards of Provincial Native political organizations before joining the Agency's board[20]. (Ed Smith, November 18, 1991; May 5, 1992). Board members were afraid that the unusual structure of the Agency would lead to them losing influence over the Agency (Conversation, Ed Smith, May 5, 1992).

The appointed nature of the Agency's board made it an exception in the Native community and the Agency received a great deal of criticism from other Native organizations and individuals for it; however, it was favoured by Ed Smith based on his past experiences, and by the judges and the state, two groups on which the Agency was very dependent for resources including legitimacy. Its unusual nature was not unknown to the board and it was likely, although this could not be confirmed, that its members were under a great deal of informal pressure from the communities and the Native organizations to force the Agency into line. "Levelling" values, that is, values espousing conformity in achievement, would suggest this[21]. There would certainly also be an attraction to being the spokespeople for such a successful and well-respected Agency[22]. A fast-rising organization such as the Agency presented an irresistible source of status and financial reward. Board positions could be seen as desirable commodities in the Native community. They could provide a political platform for anyone "with a personal axe to grind" as well as giving a high status (Ed Smith, November 18, 1991).

Representations from the province's main Native political organizations wishing to directly place members on the Agency's board began early in the history of the Agency and re-occurred "with every election" (Conversation, Ed Smith, March 16, 1992). Between 1971 and 1973, one of the Native political organizations approached the Agency with a request to allow it to appoint a member to the Agency's board of directors but "it went nowhere" (Other CJS member, August 14, 1987). The Agency refused all such requests arguing that the political organizations did have indirect representation on the board in that, when new board members were needed, the organizations were asked to submit a list of potential candidates. As a secondary precaution, the Agency's terms and conditions of employment, which also apply to board members, prohibited political involvement.

None of the interviewees were really sure what specific event, if any, provoked the confrontation between Ed Smith and the board in 1974. It could have been the

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20. Board members continued to be involved in political organizations but in an advisory capacity. In 1991, for example, two were members of an Indian organization's senate.

21. While levelling values can promote cooperation within communities and encourage group harmony, they can also operate negatively. Ed Smith told a joke to illustrate the operation of levelling values: Two men were walking along a beach collecting crabs for dinner. One fellow said to the other, "I notice you don't have a lid on your pail. Aren't you worried the crabs will crawl out?" The other said, "No, I'm not worried. They're Indian crabs. As soon as one gets near the top, the others pull him down." (Personal recollection; the story is paraphrased). These values are discussed further in Chapter 6.

22. A study by Boldt (1980) found that the majority of Native leaders are found in the political sphere.

accumulation of uncertainties about Agency structure and roles or, more specifically, it could have been a discussion at a regular board meeting or, as one respondent speculated, at a training workshop in human relations and personal growth in the summer of 1974 at a resort outside Fort Jones. This may have sparked discussions among board members about the structure of other Native organizations and the role they envisioned for themselves (Staff member, October 15, 1987; Other CJS member, August 14, 1987).

The members of the board decided that they wanted to increase their involvement in the day-to-day operation of the Agency, to comply with the roles of other boards. This was an expansion of the intermittent administrative duties they had already been performing, but it was radical departure from the board's supposed policy-making role. A staff member from that period speculated that the board's actions might also have had something to do with money: "I don't think they really wanted to get rid of [Ed]...[they] wanted to become on salary, and I think that was the key...they could run the day to day operations..." (Interview, October 15, 1987). With the lack of socio-economic opportunities in the Native communities at the time, this speculation has merit.

As part of this process, the board wanted to have more control of Ed's activities. As Ed recalled: "There was, for lack of a better word, a struggle for power...the board didn't know what type of board they were and they thought that I was over-extending my authority." (Interview, April 4, 1991).

Rumours began to circulate inside and outside the Agency that the board was going to fire Ed. Ed was unaware of these rumours until almost the very end. The issue came to a head at a special *in camera* meeting of the board to which Ed was invited. The board expressed their displeasure with his activities[23].

The actions of the board, therefore, were likely rooted in the pressures from other Native organizations and the Native communities to follow the model of other Native organizations. This would have advantages for some individual board members who would improve their status. Because of its expertise and legitimacy-granting attributes, the board was a valuable resource to the Agency and could not be ignored, but its disagreements with organizational structure and goals would have transformed the Agency. This put the board in direct conflict with Ed Smith. Ed Smith "won," as will be discussed shortly.

OBSTACLES TO AGENCY SURVIVAL

This incident was defined as a problem by Agency personnel because it was the first serious threat to the Agency after it seemed securely established, and also because it placed the Agency at a crossroads. In hindsight, it was a relatively easily-resolved problem. Three courses of action were possible, two of which might have meant radical transformations in the Agency's structure, operation and identity, perhaps to the point where it could be argued that the Agency per se would have ceased to exist. The alternatives were: 1) Ed could have acquiesced, been fired or quit the Agency, allowing the board to take administrative control and thereby irrevocably transforming the structure and

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23. No minutes from this meeting could be found, nor was Ed's subsequent report to the board found.

identity of the Agency; 2) Ed could have taken the courtworker service with him, forming another competing independent organization or an organization falling under the sponsorship of another body; or 3) Ed could prevent organizational transformation by convincing the board to follow management's conception of its role. Considering this first and second alternatives, Ed speculated: "I don't think the agency would have survived at the level we were operating at. *I* would have survived." (Interview, November 18, 1991). Singh et al (1986a:607-8) suggest that changes in structure are peripheral changes that have less impact on organizational survival than do core changes such as changes in sponsorship. Of these two kinds of changes, it was unfortunately the second alternative which was more likely to happen. Although Ed was slow to hear the rumours, a supporter of Ed's at the provincial Attorney General's department had heard them and had put together a plan. This person had been a contact within government for Ed since Ed's friendship centre days and was well-aware of Ed's reaction to the friendship centre board's attempts at undermining his control. He had also carried out the 1974 review of the program, discussed earlier. He trusted Ed and Ed trusted him.

This individual warned Ed about the rumours, and later told Ed that he had begun preparations so that, as Ed recalled: ..."they had a contingency plan that, after the board fired me...they would hire me and my staff with the government..."[24].

Had this event occurred, the structure of the Agency would most certainly also have changed, so that, like one other courtworker service in Canada, it would have become a branch of the government and under direct state control. Organizational theory suggests that an organization is unlikely to survive such a move, although Ed was a little more optimistic, speculating: "I think if we'd [gone] as a commission we would have survived, but it would have been harder because [now] we have our independence, we can be critical and we don't have to agree with things that government [says]. But if we were part of government, it would be harder to do that." (Interview, November 18, 1991)[25].

AGENCY RESPONSES

The responses of the Agency, while they encompassed a variety of administrative and training strategies aimed at eliminating internal ambiguities and external political threats, depended, at a very fundamental level, on the leadership abilities and actions of one man, Ed Smith.

Ed's vision, drive and leadership skills had enabled the Agency to develop. His ideology was firmly embedded in the structure and operations of the organization (see

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24. Unfortunately this individual could not be interviewed. He died in the mid-1980s.

25. Ed also mentioned possible problems with Attorney General 'criteria' and red tape. It should be noted that Scott (1990:2-5) suggests that some subordinate groups have more freedom than others which allows them to follow a more oppositional path. Ed Smith believed that the Agency was relatively free to act, and so it was, if the standard of comparison is the historical restrictions placed on Aboriginal communities and organizations by the federal branch of the state, as described in Chapter 2.

Lodahl and Mitchell, 1980:185-6). The Agency was dependent on his managerial and institutional skills for overcoming this, and other, later crises.

In order for Ed to stay in control of the Agency and for it to maintain its innovative structure, he had to take both short-term and long-term action. In the long-term he chose the third alternative, that is, to try to convince the board members to change their perception of their own role and of his role. In the short-term, he used bureaucratic methods learned from the Agency's interaction with the state. At the *in camera* meeting he asked for three weeks in which to come up with a response to the board. Using the minutes of past board meetings he wrote a report responding to each of their concerns. He showed how he had kept the board informed in general, and occasionally specifically, of each of the actions he had taken[26]. The high absenteeism of the board was found to directly contribute to the miscommunication.

At the annual meeting of the board on June 15, 1974, a number of occurrences were recorded that suggest they were the result of the confrontation between Ed Smith and the board. Because no definite timeframe for these events could be established, this relationship may be incorrect. These events were: 1) the president of the board offered to step down but he was re-elected unanimously; 2) Ed requested that "he would like to have the Finance Committee involved in the discussion on funding matters, this would *give him some support that he requires from time to time*" (emphasis added); 3) the following statement was recorded concerning public relations: "the Board of Directors are not involved directly with [the Agency] on a day to day basis, therefore, it was decided that the staff of [the Agency] would do a more effective job in Public Relations since they are more familiar with its daily operations. The Board are in support of what [Mr. Smith] does and [Mr. Smith] will be presenting his Executive Director's reports at each Board meeting on this matter."; and 4) there was discussion about changing the terms and conditions of employment: "It was stated that we are having some difficulties regarding staff members belonging to other organizations in key positions and this interferes with their work with [the Agency]." The terms and conditions were amended to forbid this thereby removing a source of outside political influence on the board. In 1990, the terms and conditions read:

> All employees are prohibited from holding by appointment, election or otherwise, executive positions with any Native political organization or with any other organization within the province...or elsewhere which interferes with or can reasonably be expected to interfere with the employees duties on behalf of [the Agency]. All employees are further prohibited from: (a) involving themselves with any organization whose objectives clearly interfere or conflict with the objectives of [the Agency]..." (Terms and Conditions revised September 21, 1990).

In the long-term, Ed worked with the board to clarify existing ambiguities about the working relationship between an executive director and a board. It was necessary to define

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26. Keeping the board informed of his actions was Ed's usual policy. A staff member recalled that Ed told staff reporting to the board "to give the board everything we could and not hide anything from them." (Interview, April 14, 1987).

what were the day to day operations of the Agency and what were policy-making decisions. (Ed Smith, November 18, 1991). It is also likely that the greater "social dynamite" role played by the Native political organizations took pressure off individuals in nonpolitical organizations to make political stands.

Eventually, changes also occurred in the kind of people asked to be board members, although Ed did not see this as a deliberate strategy on the part of the Agency. Previous board members had been very up-and-coming politically active leaders in their communities. The focus changed to getting community members who were stable individuals, traditional leaders, and Elders, where possible. It should be noted that in 1991, of the seven board members, six were Elders and one was also the well-respected leader of a traditional society. Only one of these members was on the board in 1974. The board in 1991 had members with 20, 18, 14 and 13 years of service. Ed commented that the 1991 board was not as likely to want to make political stands, as did the earlier boards (Interview, November 18, 1991).

Ed also reviewed the type of training the board was getting. He arranged for more board training that clarified the duties of a policy-oriented board. A session was held in 1975-76 at a local university, but on-going training did not start until 1977 after a full-time trainer was hired in 1976 (Staff members, October 15, 1991; April 29, 1987; April 9, 1987). There has been very little change in the Agency's board of directors since 1976-77 (when a rather large turnover occurred (Staff member, April 29, 1987)), so that board training has seldom occurred.

Eventually, the legitimacy of this board structure was accepted by other Native organizations. It has been copied by other Native service organizations including a number of courtworker agencies, and Ed has been asked to advise boards about appropriate board roles on numerous occasions (Conversation Ed Smith, February 12, 1992).

It should be noted that not all of the problems of the board ended with this conflict between Ed and the board, but the board became largely self-policing so that, for example, non-productive members or members with excessive absenteeism were asked to leave by the board itself. The board members' terms came up for renewal each year but were more or less indefinite as long as the member wanted to stay and the other members were willing to have him or her (Ed Smith, November 18, 1991; Staff member, April 29, 1987).By 1987, the relationship between the board and the administration had improved so much that the board was accused of "rubber-stamping" the decisions of senior management (Staff member, April 29, 1987).

The importance of effective leadership in ensuring the survival of a Native organization was clearly shown by the data from this developmental stage. The handling of this conflict, not to mention the path of development that the Agency had taken until 1974, was primarily the work of the organization's founder and executive director, Ed Smith. Other staff members and outside "friends of the Agency" contributed, as is mentioned throughout this study, but he was the prime moving force. This is the case with many innovative organizations (Lodahl and Mitchell, 1980:186-7).

I will give, first, an overview of what little information can be found in the literature on Native leadership and then illustrate it with a detailed discussion of Ed Smith's leadership skills and their development. Contemporary Native leaders, whether of political or service organizations, are characterized by cultural marginality in that they learn FROM

non-Native society how to be accepted BY non-Native society as legitimate and effective leaders. Yet, at the same time, a Native leader must also satisfy Native people "of his total loyalty and commitment...some leaders respond to this demand by becoming '200 percent Indian'..." (Boldt, 1980:21). This ties in well with the idea of holding an "in-between" status.

True charisma is usually not one of their characteristics, rather, their status "is the product of competence, service, exploits and kin connections." (Boldt, 1980:22). This is the result of the traditional role of leaders as "effectors" or facilitators of tribal loyalties, a role which inhibits the development of the trust and allegiance needed for true charismatic leadership to emerge (Boldt, 1980:22)[27].

Leaders are chosen for their personal integrity, honesty and the respect they evoke (Jules, 1988:7). Leadership qualities are described as: being close to the people, serving rather than bossing, keeping people informed, and having humility (Jules, 1988:8).

Boldt (1980:22-29) characterizes the "average" Native leader (in the late 1970s) as: male, young, better educated than other Native people, earning a higher income, leading a political organization, having adopted a predominantly non-Native lifestyle, being a registered Indian, living in an urban centre, and having light skin colour. This contrasts with the Native community ideal of a Native leader as someone more "Indian," as defined by having a low income, following a Native lifestyle, and having a dark skin colour. The ideal leader was perceived as being more loyal to their people (Boldt, 1980:22-29). There is a great deal of suspicion among Native people of state attempts to co-opt Native leaders and organizations since this "is the most effective method of integrating them, yet keeping them in their same 'caste' position" (Adams, 1989:161-2).

Hofstede (1983:85-6) in his study of 50 countries found that characteristics of leadership varied by country. Of relevance to this study is that the characteristics of Third World organizational leaders seem, to a certain extent, to better match the characteristics of Canadian Aboriginal leaders than do, for example, the characteristics of American leaders. Whereas American leadership is characterized by individualistic self-interest, Third World leadership is characterized by feelings of obligation to others and to society. Loyalty is also an important part of organizational membership and leadership. The fit is not perfect, however, since Third World leadership is also characterized by lack of participation from organizational members in decision-making. Some of these characteristics are very suggestive of the descriptions given by Boldt (1980) and Jules (1988).

Federal and provincial managers reported that for the early years of the Agency's history, they identified with Ed, not the Agency, which they saw merely as a reflection of Ed (e.g. Provincial manager, June 21, 1987). In order to understand the development of Ed Smith's leadership style and the impact that he had on the Agency, it is necessary to look at his background, his personal characteristics, his network of personal contacts, and his leadership style.

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27. Jules (1988:7,9), on the other hand, describes Native leaders as having "personal prestige and charisma," but also points out that a leader loses respect and position if he stops speaking for the people, a somewhat more temporary popularity than is usually ascribed to charismatic leaders.

Background:

Ed Smith was born the third oldest child in a large Metis family living in relatively low socio-economic circumstances. Both of these factors were considered important by respondents who saw the first factor, his Metis status, as enabling him to be familiar with and accepted in "two worlds," by both Natives and non-Natives (Other CJS member, October 26, 1987). Ed agreed, saying, "Sometimes it helps being in the middle, a half-breed. People forget who you are." (Conversation, April 30, 1991). This again ties into the idea of an "in-between" status. A staff member pointed to Ed's early economic status: "There are too many rich people that never had a hardship, that didn't have a taste of poverty...look at [Ed Smith], If he had never had a bannock, you'd never have had [the Agency]." (Interview, November 18, 1987). Ed left school in Grade 11 to become more involved in sports. This move was partly the result of the discrimination faced by young Native people in the high school system at the time, as Ed recalled: "In [the town], I was the only native in my grade 10 class. I found I couldn't make the school hockey or baseball teams even though I was better than the players they had. I could play on the teams in town but not the ones at school." (Fort Jones newspaper, February 11, 1991). He worked in construction, played hockey, and played and coached baseball. He later described himself (and certain other Native leaders) as "having made it as individuals before the Native thing came around" (Interview, November 18, 1991). The Native aspects of his heritage did not seem to become important to Ed until the mid-1970's. A Native Elder who was familiar with Ed's background stated, "In the early years [Ed] was reluctant to deal with the cultural aspect of the thing and he finally came to deal with that." (Other CJS member, August 14, 1987) and suggested that Ed was at first unfamiliar and uncomfortable with using Native culture as a formal part of Agency programming. Ed disagreed with this assessment saying he was too busy until 1974 dealing with immediate problems to look at the cultural aspects of programming. As well, culture was not linked to rehabilitation until later in the 1980s. Ed suggested that the informal aspects of Native culture had always been part of the Agency (see Chapter 6 for more information) and of his own personality. He said he was under pressure from staff and outsiders "to learn my culture, but you don't learn it, you live it. Like my dad said, it isn't like a light bulb you turn on all of a sudden." (Conversation, May 5, 1992). Unlike some of the leaders in Boldt's (1980) study, Ed was not trying to be establish personal legitimacy by being "200 percent Indian."

Ed credits his father's teachings with guiding him. His father told him, Ed recalled, "If you're Native you have to be at least ten percent better than the others if you want to play.' Dad used to tell us to 'be proud of who you are' and urged us to use humour to cut through the barriers." (Fort Jones newspaper, February 11, 1991). His father also taught him that he was "an individual first, a Metis second" (Agency History, Chapter 5). Ed's father took an active, if unpaid, role in developing the Agency. Ed recalled:

> My dad was there if I had some problem. He was there for me to talk to...my dad would hear complaints...and he would raise it with me...My dad would visit us in the office on a regular basis...I thought it would be a nuisance...I had to deal with the idea of: Is he interfering? is he bothering people? And I asked some of the staff, and they said, 'No, he's assisting us; he is solving some of our problems. We are able to talk to him...when you are out of town, he is

there for us to talk to.' (Interview, November 27, 1991).

This reflects the role that Elders play in Native leadership. According to Jules (1988:11), "...in the ideal Native Indian leadership tradition, Elders should be included and should stand beside the leaders."

Ed's father continued his active involvement with the Agency until his death in the early 1980s, an event that some respondents felt changed Ed. It is possible that this event transformed Ed's leadership style from that of (nearly) charismatic leader to "Elder" or advisor, for, as one respondent observed, it caused Ed to "start to turn into more of that Elder type, [there was] more philosophizing behind what he did." (Interview, April 13, 1987). A staff member commented that Ed was now seen by Agency staff as an Elder[28], "He just doesn't realize it yet." and, as evidence, that this status might extend outside the Agency, "He sits with the Elders." It should be noted that in Ed's interviews for this research and as quoted in newspaper stories, Ed's conversational style is very much like that of an Elder, in that it is in a story-telling form, containing many philosophical reflections and returning to the topic of conversation with a spiral format (Personal observation; Fort Jones newspaper, April 13, 1987)[29].

A Native Elder familiar with Ed's background tied this together with his leadership style:

> [Ed is] shrewd. He is right off the streets, not that he is rough and tough and was a juvenile delinquent, but he was a working man, and an athlete, and he comes from a really talented family, all of them bright as whips, and he basically came at the job as an athlete. He was an all-star hockey player—that means a lot of self-confidence and the ability to roll with, [stay] on your feet with whatever happens... (Interview, August 14, 1987)

Personal characteristics:

Ed's personal characteristics were among his strongest assets in developing the Agency. Many of them reflect the leadership characteristics listed by Jules (1988:8) as desirable in a traditional Native leader. A member of the criminal justice system stated: "The success of the program...he developed was very much dependent on [Ed's] own personality." (Interview, October 26, 1987). Ed was variously described by respondents as: hardworking, responsible, dedicated, confident, bold, persevering, sincere, mature, solid, reliable, honest, modest, smart, optimistic, self-critical, quiet and down-to-earth

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28. It should be noted that Elder status is conferred by the community; it cannot be claimed.

29. In later years, Ed continued to remain active in the Native community in addition to his work with the Agency. By 1991, he had served on the boards of 18 Native and non-Native educational, financial, communications and other organizations. He was made Honourary Chief of a southern Provincial band (Agency newsletter, October, 1977). He was also given awards by the federal government and educational institutions in recognition of his endeavours. All of these positions served to enhance the legitimacy of the organization with the criminal justice system, the state and Native communities.

(Interviews, Staff members, May 13, 1988; May 13, 1987; April 14, 1987; April 22, 1987; Provincial manager, June 21, 1987; Federal manager, April 16, 1987; October 23, 1987; Other CJS member, October 26, 1987; August 14, 1987). His mistakes were seen as "honest mistakes" (Provincial manager, June 21, 1987). He was willing to play as member of "the team" (Federal manager, October 23, 1987).

A number of Ed's specific personal characteristics were especially emphasized by the respondents. He was described as having a sincere understanding of the Native community and as keeping his sensitivity to the Native community (Staff member, April 22, 1987; Other CJS member, October 26, 1987). He had the ability to recognize needs in the Native community so that he and Agency staff were often working on an idea long before the state recognized that a need existed (Staff member, April 10, 1987). He showed his professionalism in dealing with Native communities; for example, he always wore a suit and tie when visiting Indian reserves (Provincial manager, June 21, 1987). It was pointed out that he had shown foresight in maintaining the good will of the friendship centre and the Native political organizations (Federal manager, April 16, 1987). He was an active member of the ruling non-Native political party in the Province. It was pointed out that he had the ability to understand the state, as well, and that he could strike "a nice balance" between the two (Federal manager, October 23, 1987). This again points to his in-between status.

He was described as a person who cares and "always puts out that helping hand to people" (Staff member, April 13, 1987). A federal manager recalled that Ed was a "very practical operator" but that he had "a hard head and a soft heart...what it takes to be a leader" (Conversation, October 24, 1987). Ed would, however, also get "very frustrated with people's lack of understanding or prejudices, or thinking he was a 'goodie-two-shoes' and was just going to get these Natives a good deal and wasn't really concerned with the other side of the fence" (Staff member, April 13, 1987). He was described as being open, sociable and really interested in other people, and having a sense of people "being equal" (Staff member, April 9, 1987).

He was not afraid to go outside the Agency to get advice (Federal managers, April 16, 1987; October 23, 1987) and to discuss his ideas with others. A federal manager recalled: "[Ed] is very open with his ideas and will discuss them with anybody. And he gets input...he will talk to one person about something, then another person, and then another person, and all of a sudden there will a project there ready to be written up [as a proposal for funding]." (Interview, October 23, 1987). His patience was commented on frequently (e.g. Provincial managers, June 21, 1987; July 12, 1987). A staff member pointed out that sometimes Ed hung onto an idea for years, "until it gains acceptance and funding" (Interview, June 21, 1987). Ed was described not only as a patient man, but as a cautious one, as he, himself, explained, "[if] you react, you are into their rules, and you're going to make decisions that aren't the proper ones." (Interview, November 18, 1991). Even so, he showed his willingness to take risks on many occasions (Staff member, April 29, 1987). He was tenacious, which paid off in finding funding. A provincial manager recalled: "It was hard, once you accepted that he was coming from an honest base, to say 'no' to [Ed], 'absolutely not.' He had a tenacity about it. Like a bad penny, he kept popping up." (Interview, June 21, 1987).

Special mention was also made of his ability to "sell" the needs of the Native

community, and his program, and to get funding (Staff member, May 13, 1988; Federal manager, May 13, 1988). A staff member called him "aggressive" when he went after something (Interview, April 13, 1987). One respondent called his ability to find funding "phenomenal" (Interview, October 26, 1987). A federal manager recalled, with amusement: "With [Ed], you only had one choice, give it to him now, or give it to him later." (Conversation, October 24, 1987). His commitment was frequently spoken about, especially his willingness to "put his money where his mouth is," particularly in reference to the event described in Chapter 4, where he used his house and car as collateral to get a loan to keep the program going (Federal manager, October 23, 1987).

A provincial manager commented that "[Ed's] mentality is survival..." (Interview, June 21, 1987).

These specially emphasized personal characteristics point to Ed's abilities to work in both the Native and non-Native arenas, that is, the Native communities and the state, and once again emphasize the importance of his "in-between" status.

Networking:

Because of Ed's background in sports, construction work and at the friendship centre, and because of his personal qualities, he built up a network of contacts that assisted the Agency on many occasions. Ed recalled:

> I was the type who made friends and remembered friends...a lot of the people I played ball with, a good number of them would get into trouble and found out that they could trust me and that I was reliable and [they] would get in touch with me. That's the way it's been with any of the people I know, that I have dealt with...I tried to cultivate and develop and maintain a friendship with people that I dealt with...I wanted to get to know them on a personal basis, rather than always business. (Interview April 7, 1987).

In the early years, Ed used his contacts to find credible staff, to get the support of criminal justice system members and Native communities, to find board members, to train staff, to borrow expertise in program development, to provide more effective services, and to obtain funding. In later years he also used his contacts to find non-Native specialists to work for the organization. Many of the Agency's long-term staff recalled that they were personally contacted by Ed or another Agency member to apply for a job (e.g. Staff member, April 14, 1987).

Perhaps the most valuable contacts originated in his involvement in baseball. A remarkable number of Native community members, lawyers, probation officers, police officers and businessmen who later became politicians, judges, and high-ranking criminal justice system members, played baseball in the province in the 1950s and '60s (e.g. Provincial manager, June 21, 1987).

Contacts were also important in the Native community. Ed was very familiar with the political strategies of his acquaintances among the Native political leaders and used this knowledge, often with their full support, for the furtherment of the Agency. A provincial manager compared this strategy to playing "good guys and bad guys" (Interview, May 12, 1988). After dealing with the Native political leaders, federal and provincial managers often

found Ed's concern with service provision and his non-confrontational and humane approach "a great relief" (Conversation, Federal manager, October 24, 1987; Provincial manager, May 12, 1987). A provincial manager pointed out that Ed was more interested in finding solutions to problems than taking credit for solutions (Interview, May 12, 1988).

Ed travelled regularly to Ottawa, keeping his federal contacts informed of his activities, formally and informally, even when these were not directly related to the contact's area[30] (Federal manager, May 13, 1987). He also met regularly with provincial managers and Native political leaders (Board of directors meeting minutes, 1974). His contacts supported his work by suggesting sources of funding, assisting him to develop programs and opening doors for him so that he could meet higher-level decision-makers (e.g. Federal manager, May 13, 1988). This behaviour was not especially altruistic, as one federal manager recalled: "...we were thinking that if [Ed] can make it and succeed, it would mean less problems for us...he has got a better chance of making the system work better than we could ever do just by ourselves..." (Interview, October 28, 1987). Another recalled: "It was [Ed] and the guy's bloody vision...the rest of us sort of flubbed along and latched onto a guy that was heading in the right direction, [a guy] that made sense." (Provincial manager, June 21, 1987).

Ed had politically powerful friends in the Native community and among state managers, and both groups were interested in the welfare of the Agency (Federal manager, April 16, 1987). A provincial manager pointed out that Ed did not abuse this political influence (Interview, June 21, 1987). Support networks in both the Native and non-Native communities point to an advantage of Ed's in-between status.

Ed Smith only partly fits the profile of the typical Native leader as described by Boldt (1980). He was approximately the right age (when the organization was founded), male, possessed a slightly higher educational level, had a non-Native lifestyle and eventually a higher income; but he was Metis, the lifestyle was not adopted (it was consistent with his upbringing), nor did he live in an urban area, nor was he located in a political organization, and his skin colour was not particularly light. This "in-between-ness" in his characteristics may account for some of the criticisms from the Native community.

Leadership style:

Ed's leadership style is rooted in his background and these personal characteristics. It has been suggested to Ed that he might be the most powerful Native leader in the province because of the continuity of his organizational powerbase and his on-going contacts with the Native communities (Conversation, September 3, 1991). This does not contradict a statement by a staff member that the Agency was not "politically-driven," because the Agency and Ed in particular, showed evidence of being very sensitive to politics. The staff member also commented that, in contrast to the state, the Agency does "a lot of things that are 'right,' rather than politically-driven." (Interview, November 25, 1991).

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30. In later years Ed was asked to serve on numerous government committees, commissions and other bodies that brought him into contact with government and other criminal justice managers (Ed Smith's resume).

Ed's concern about the needs of the people at the "grass roots" level has led to the Agency's programs remaining focussed there (Provincial manager, June 21, 1987). A federal manager described the Agency as "...reaching out...seeking to do other things that were clearly related to what they were doing and the things they felt that they could, in fact, accomplish. They weren't just pie-in-the-sky." (Interview, October 23, 1987).

There was also a tendency towards self-scrutiny within the organization that seems to have originated with Ed. A staff member commented on this, saying: "[We are] looking over our shoulders and seeing what has happened with so many other Native organizations ...that have gone sour and died. There has been a pride there that says...'let's not be like one of the others.' " (Interview, April 14, 1987)[31].

The Agency's expansion was described as "methodical" (Provincial manager, May 12, 1987), also reflecting Ed's personality. A common strategy used by the Agency was to assign additional duties to front-line staff to show the funders that the services worked and were well-received by the Native community and the criminal justice system. A federal manager agreed with this strategy, commenting, "the first law of broadcasting [is]: Money follows programs." (Conversation, October 23, 1987). Despite what seemed like exponential growth (see Chapter 6 for more on this), Ed and his staff felt that they were very cautious in expanding the Agency. An Agency manager recalled:

> We have always walked before we ran. I can recall when [Ed] was urged to hire forty courtworkers and spread them all over the province, and he wouldn't do it. He took...six or seven a year. He said he couldn't supervise them and he couldn't train them and he couldn't monitor them. Forty... but it must have been tremendously tempting, because it would have put him in a completely different class as far as an organization was concerned." (Interview, April 14, 1987).

At several points in its history, the Agency has been asked to start or take over programs in housing, education, job placement, alcohol counselling training, and the Native media. In some cases the Agency seriously looked at such expansions, but in all cases the requests were turned down. It did venture into correctional services and crime prevention (Agency staff member, April 14, 1987). This suggests that while the Agency was an aggressive generalist, it only operated this way within a specialized domain.

Ed served as a role model to Agency staff, and other individuals as well (Other CJS member, August 7, 1987). Ed's strong belief in what he and the Agency were doing was communicated to his staff and others in the criminal justice system, and served as a motivator (Staff members, June 5, 1987; May 20, 1987), not only to staff but to others trying to start programs for Native people (Provincial manager, June 21, 1987). An Agency staff member commented: "When you get one person who believes in something and starts pushing it and pulls things together, things will happen...if you have got that catalyst to bring things together." (Interview, April 10, 1987). As suggested by Lodahl and Mitchell (1980:186-7), the founder's identity, ideology and behaviour provide the

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31. This staff member also suggested that sometimes too much self-scrutiny occurred and the Agency spent too long "gazing at its navel."

guidelines for organizational transformation in innovative organizations (Lodahl and Mitchell, 1980:186-7).

Ed's open-door policy with staff meant that he was well-aware of new ideas and problems within the Agency. Everyone in the organization was on a first name basis, including Ed and the members of the Board of Directors. Staff were encouraged to express and test out new ideas (Provincial manager, May 12, 1987). Ed was the "visionary" and his staff were trusted to fill in the blanks (Staff member, November 25, 1991). They were not afraid to disagree with him. He gave them credit for their ideas and work (Staff member, November 25, 1991). He was not afraid of dealing with critics of the organization (Provincial manager, May 12, 1987). This suggests the "facilitator" role of traditional Native leaders (Jules, 1988).

Frequently mentioned were Ed's beliefs about hiring the best staff member for the job and his beliefs in staff development (Staff member, November 25, 1991; Provincial manager, May 12, 1987). Several respondents commented on Ed fighting to hire and develop female staff members to take non-traditional roles, when this was not generally done in the Native community (Other CJS member, August 7, 1987). This, incidentally, won a lot of support for the Agency among Native women. Ed took an active role in training early staff and encouraging them to develop their skills (Staff member, May 14, 1987). Ed believed the people he hired could do the job and fit in. He supported them, even when they made mistakes, and would sometimes come into the field to help in a local crisis (Staff member, November 18, 1987). He was not afraid to teach by example (Interview, April 4, 1987). His tendency to encourage staff to try new things is a "traditional" teaching technique in Native culture (Other CJS member, August 7, 1987). This also fits the Native model in that people are chosen to fill special roles on the basis of competence and service (Boldt, 1980:22).

Ed did not limit his teaching activities to staff. A member of another Native organization recalled that Ed taught him

> ...not to confront the government in our negotiations, in the press. He taught me not to embarrass the government and he taught me to be a hard negotiator. He taught me how to handle things in a low-key way, but yet not a candy-assed way either. (Other CJS member, August 7, 1987).

Ed's relationship with his staff was commented on by several respondents; it did not vary greatly from his approach to dealing with members of the criminal justice system, as one respondent observed:

> I would say that [Ed's] philosophy is that 'people are all basically good, and that you don't always have to like everybody, but they are good, but you always have to treat them with respect.' I have never, ever seen him treat people with disrespect, even if they deserved it... [he may take staff to task] but never treats them as if they are stupid. (Other CJS member, August 7, 1987)

This ties in with the more egalitarian Native leadership model rather than the hierarchical non-Native model. Respect is also one of the main Native cultural values

(Bopp et al, 1984).

Some Agency members worked from the assumption that some criminal justice system actions were based on prejudicial attitudes, for example, saying that they were worried about clients "getting shafted" and that one of the jobs of a courtworker, in working with the police, for example, was to "keep them honest" (Interview, April 1, 1987)[32].

Ed, however, worked on the assumption that the actions of criminal justice system members were more likely to be based on a lack of knowledge and understanding of Native people. He preferred to "work with the system rather than against it" (Provincial attorney general newsletter, 1983; Conversation Ed Smith, July 17, 1991; Provincial manager, August 10, 1987). This suggests that members of the state saw Ed as their supporter, perhaps even as co-opted. His appointment to a wide variety of state committees and task forces supports this.

Ed was obviously a person who didn't fit the normal characteristics of Native or non-Native leadership. This may have added to his ability to walk in between two worlds—Native and non-Native, but also more importantly, to walk between two political opponents—the Native communities and the state. This ability gave him advantages as a leader that an executive director with a background in one or the other group would not have had. This suggested that there may be differences in the characteristics of an effective Native leader and an effective non-Native leader.

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32. There can be negative consequences of such strength and continuity in leadership, including the impact of differences in leadership style among senior managers, and succession. All of Ed's leadership qualities were not found in all of the Agency's managers, although all had some of them. As Ed commented frequently in conversations, he has grown with the Agency and developed these qualities along the way. It cannot be ignored, however, that in many ways, Ed Smith, especially in the early years of the Agency's history, was the "spiritual head" of the Agency and was perhaps a charismatic leader (Agency history, Chapter 4; Provincial manager, June 21, 1987), and charismatic leaders, by definition, cannot be replaced. It is anticipated by Agency staff and state members alike that when Ed leaves the Agency it will precipitate major organizational difficulties (Conversation staff member, February 28, 1991; Courtworker program evaluation, 1981:172-73). Members of the criminal justice system and the Native community will have to adjust to dealing with the successor's different philosophy and leadership style and his or her learning on the job. There will be inevitable comparisons with Ed Smith and weaknesses will be probed. A staff member commented concerning the political organizations that "the wolves will gather" (Conversation March 14, 1991). It should be noted, however, that Singh et al (1986a:607-8) found a change in "executive officers" to be a peripheral change and not likely to threaten organizational survival. Ed was in the process of trying to get new leaders ready as this research ended (Conversation, September 3, 1991) (See also Chapter 7).

CONCLUSIONS

In 1974, the volatile political nature of the environment of the Agency was again evident, as was one of the mechanisms—board representation—used by Native political organizations and communities to gain control over other organizations. The Agency continued to use a number of successful strategies developed in 1970-1, including an apolitical stance (which in 1974-5 had been urged on the board of directors); selective resistance to on-going control attempts (such as turning down chances for increased legitimacy because they also increased the potential for external control); and holistic services (although these led to internal conflicts). The conclusions based on this analysis focus on: the liabilities of rapid growth, problems of legitimacy, the role of culture in maintaining an in-between status, the nature of leadership in innovative organizations, and scarcity of funding as an instrument of state control.

The first conclusion was that rapid growth could be a liability[33]. The uncertainty felt by Agency participants caused a variety of problems for the Agency, not the least of which was opening the board to political pressure. Staff at all levels of the organization were caught in between the expectations of clients and of the state (as communicated through Agency management). It should be noted that an advantage of rapid growth was that innovation, as demanded by the Native communities, seems to have been able to occur without unduly alarming state funders. Despite the rapid growth, the structure of the Agency had changed little. More frontline staff had been added in new job positions and courtworker jobs had become more specialized as a result. Therefore, there had been minimal changes in the human-cultural and organizational subsystems and none in the strategic control and managerial subsystems.

The next conclusion was that problems of Agency legitimacy seem to have been resolved somewhat with criminal justice system members and the state and that this may have been because the members of the state were convinced that Ed Smith and the Agency had been co-opted, that is, were working in the interests of the state to control the problem population of Native offenders. The "showcasing" of the Agency may have been just one step in a process of co-opting the organization. The ready assumption that Ed and the courtworker program would move over to the Attorney General's department as a state program if the board crisis had turned out differently, is just one indicator of this. In addition, as mentioned in Chapter 4, Ed had given the state what may have been one of its greatest tools for maintaining its legitimacy in providing services to Native offenders—the concept that Aboriginal conflicts with the criminal justice system were rooted in a lack of information and cultural insensitivity, as opposed to political economy, that is, the workings of the capitalist class structure. Since this definition came from a Native group, it gave it even more power. Whether or not the Agency actually had been co-opted will be addressed shortly.

I concluded that problems of legitimacy emanated, instead, from the Native communities. It is likely that as politicization increased, Native political leaders and community members became more sensitive to the use of Native culture, both inside and outside organizations, as a means of political identification. That is, culture became a kind

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33. See Table 1 in Chapter 1 for an overview of the growth pattern.

of rallying point for the self-determination movement. By developing an innovative structure not only different from those of other Native organizations, but one favoured by the criminal justice system and the state, the Agency may have caused concern that it was losing its commitment to Native self-determination--or worse yet, was being co-opted by the state. Certainly the excellent relationship Ed Smith was building with senior provincial and federal senior managers would fuel this impression, as would the stabilized funding arrangements, the Agency's rapid growth, and the increasing dependency of the Agency on the state. The result was pressure on the Agency to give more tangible evidence of its "Indianness" as proof of its loyalty to Aboriginal goals. As mentioned by Adams (1989) and Boldt (1980), Native communities were very suspicious of the loyalties of their leaders. Considering the track record of the state in co-opting Native leaders and trying to control Native organizations (see Chapter 2), this could be seen as justified. I concluded that, in relation to this, the Agency once again was in an in-between position. The Agency couldn't and wouldn't give overt proof of political loyalty to Native goals since this would change the nature of its relationship with the state and likely affect the provision of client services. In this case, organizational structure seems to have become symbolic of political struggle (In Chapter 6, the Agency's solutions to this dilemma are discussed in detail.) Even so, the Agency's board structure was eventually accepted as legitimate by the Native communities as indicated by the adoption of the structure by other Native organizations.

The pressures from the environment were uniquely "Native" in their origins; however, the strategies used by the organization in overcoming the board difficulties were bureaucratic. The structure of the organization also seemed to remain "Native." This in-between status didn't have only negative consequences, therefore; it also had advantages. In this case, Ed used his knowledge of bureaucratic measures (partly gained from his interactions with the state), to respond to the conflict. This didn't mean that he was disloyal to his origins but that he was in fact extending them. As a Metis, he had grown up in-between and had gained very specific and valuable skills from being active in both cultures.

I concluded that trying to remain in-between the political pressures of the two opposing groups was probably the greatest challenge faced by the Agency in this case and was the source of the most severe "growing pains" of the organization. Remaining apolitical and trying to encourage such a stance on the part of its board of directors was the main response of the organization to the organization's problems. By doing so, the Agency could present itself as an ally to both sides but prevent complete identification with either. It should be noted that while this stance satisfied the state, it didn't completely satisfy the Native communities, as indicated by the continuing demands from the Native political organizations. Not all staff believed in this in-between status; some expressed a desire to take a (not necessarily political) advocacy role. This was likely a response to the ever-present knowledge of the disadvantaged conditions of the Agency's Native clients and the Agency's unique abilities to provide services to these individuals and groups.

The data in this analysis suggest that an apolitical stance by an organization can be accomplished by its staff having an acute political sensitivity and the ability to manipulate the political environment. The development of the Agency's apolitical ideology and the resolution of this crisis pointed to the significant role of leadership in Native organizations. I concluded that, in order to survive in-between the two political opponents, the Agency needed a leader that understood this status and had experience with it. Ed Smith had

experience living in-between: culturally, politically and racially. The Agency's dependency on him was very evident. This in-between status gave him advantages such as organizational resources (staff, funding, and legitimacy), political support, and knowledge. It is likely, therefore, that the board didn't want to lose him but rather to assert more control over him. Whether or not the board was aware of the Attorney General department's plan and realized the advantage that Ed would give to the state is unknown. What is known is that the board backed down gracefully.

Ed Smith's leadership characteristics seem to be unusual. He was not the ideal leader identified by Boldt (1980) nor made from the same mold as contemporary Native political leaders (Boldt, 1980:22-29). Ed also did not fit the characteristics of traditional non-Native leaders; his characteristics didn't fit those of Weber's (1946) typology of authority in which a charismatic leader leads by virtue of personal qualities and the faith of his or her followers; a traditional leader leads through inheritance and the followers' respect for tradition and the past; and a rational-legal leader is legitimized by procedures and regulation, is based in hierarchy, and does not control the means of administration (Morgan, 1986:277). Ed Smith's leadership was strongly reminiscent of charismatic leadership but, as discussed above, there are factors in Native culture that work against such a status.

In addition, Hofstede's (1983) study suggested that there may be some relationship between Native and Third World leadership. It is apparent that Native leadership may be a complex issue which social organizational theory may not yet be capable of explaining.

On the question of co-optation, it should also be noted that Ed had the backing of members of the various branches of the state and the judges, both powerful allies, in his vision of the structure and operation of the Agency. This could be seen as pointing to Ed's co-optation by the state, or it could be seen as pointing to his willingness to use the state if necessary (and the strategies he had learned from it) against the Native community to achieve his organizational goals. Considering later developments in the Agency's history, as discussed in Chapters 6 and 7, it is likely that Ed Smith and the Agency actually had not been co-opted by the state at this point in time.

Instead, by developing innovative structures and services such as an informal hierarchy and communication system, and courtworker services, the Agency was trying to maintain a balance between the demands of the Native communities and the state. If the board had taken control of the Agency or if the courtworker program had moved to state sponsorship, this balance would have been upset and program legitimacy lost. Considering the continuing vulnerability of the organization and the turbulence of its environment, this balancing of relationships seemed a sound strategy to have been following.

The scarcity of resources for provision of Native-operated services was quite evident. I suggest that, as in Chapter 4, this may have been a strategy on the part of various state branches to keep control over the Native organizations, especially the political ones. This will be discussed further in Chapter 7.

While social organizational theory contributed a number of useful ideas such as the roles of leadership in innovative organizations and the liabilities of rapid growth, the contribution of critical criminology was more indirect. The poor socio-economic conditions in Aboriginal communities likely influenced the actions of the board of directors. It is also likely that the legitimation of the state and control of problem offenders were underlying

goals of some state managers.

The importance of the in-between status of Ed Smith and the board of directors could not be accounted for by critical criminology. Social organizational theory would suggest that they both occupied boundary-spanning positions, that is, positions open to the pressures of the environment, but this does little to explain the political nature of the pressures on these positions. Perhaps being under political pressure is a defining characteristic of an in-between position for a Native service organization, as is the need for political astuteness to survive it. The actions of members of the state who "latched onto" Ed Smith for guidance in handling Aboriginal offenders also didn't fit well into critical criminology, in that, while this might be seen as an effort to find a control mechanism for problem populations, it also smacks of pure opportunism in the actions of state members. Social organizational theory is more appropriate here in that it would likely suggest that this was the recognition of a possible resource on the part of environment-monitoring state members.

The snapshot of the Agency that emerged from the 1974 study is that of an organization beginning to use the advantages of its in-between position, even while discovering new threats as they arose from the same source.

CHAPTER 6: STAGE 3: 1989

From 1974-75 to 1989, the Agency underwent a series of transformations from a relatively small organization struggling with problems of legitimacy to the largest Native service organization in Canada.

This time period was divided into two phases, one of turbulence and rapid growth, and the other of turbulence and short-term decline. The period of organizational expansion was characterized by continuing environmental demands for more services and accompanying structural changes. Even though this period was turbulent, it was also the period when the Agency began to reap the benefits of organizational maturity. The period of turbulence that followed was instigated by a series of economic recessions and was characterized by service cutbacks, changes in organizational culture and a short-term decline. The Agency adapted to the environmental changes in both phases, but not quickly enough to avoid financial crisis.

The socio-historical context for the financial crisis was that of changing relationships between the state and Aboriginal communities as a result of self-determination initiatives and economic recession. This chapter will discuss the socio-historical context of the financial difficulties, the difficulties, and the Agency's response. The chapter ends with a number of conclusions[1] .

SOCIO-HISTORICAL CONTEXT

A review of the environmental conditions that influenced the organization in the 15 year period covered by this chapter found influential events and trends emerging in six areas: external economic conditions, legislation and politics, Native community needs, Agency growth and bureaucratization, problems with legitimacy, changes in Agency organizational culture and an increase in Agency financial dependency on one state branch. It is necessary to discuss these conditions in some detail in order to understand the eventual difficulties and the Agency's responses to them.

EXTERNAL ECONOMIC CONDITIONS

The economic conditions affecting the Agency from 1974 to 1989 occurred in two slightly overlapping phases, 1974 to 1982 and 1982 to 1989. In 1982 a series of recessions began across Canada.

The late 1970's and early 1980's were a boom time in the Province and attracted many migrants from outside the Province, causing increased environmental heterogeneity and uncertainty. Turbulence occurred within the Agency as the organization adapted environmental changes by developing new programs, finding additional funding sources

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1. My employment with the Agency began in 1988. Where appropriate I have added data from personal recollections.

and changing its structure to accommodate its increased size and diversity of technologies.

Demographic changes as well as economic ones occurred. Many of the Native people who moved to find employment[2] ended up in trouble with the law, as did other migrants.

Native people left their family and community support networks behind, or brought their problems with them (Staff member, April 22, 1987)

The courts and other components of the criminal justice system felt the strain (Staff member, April 13, 1987) of the increased environmental turbulence. One courtworker, for example, recalled that in his community the number of court clerks rose "from two to twelve in six years, and they were still short-handed" (Interview, June 22, 1987). There is little doubt that Aboriginal peoples were a growing problem population within the criminal justice system.

Funding for innovative programs (technological conditions) became more readily available. A staff member recalled, "Government was really up on Native issues, like they really wanted to see some growth." (Interview, April 13, 1987). The funding environment, however, was still hostile to a degree. Funding was cyclical, that is, it was characterized by fads or "trendiness," so that funders would lose interest in a topic "just when Indian people [were] starting to become conversant with the terminology and understand what the...government is up to." (Federal manager, May 13, 1987). The federal government also hired Native and non-Native consultants to work with Native and non-Native organizations across the country "to make the existing programs more sensitive to the Native people and to develop those services where they were not available" (Federal manager, October 23, 1987). While these initiatives seemed to be aimed at decreasing Native over-representation, the state's follow-through in handling innovative programs (such as diversion and prevention programs), was often questionable (Federal manager, October 23, 1987). There was still reluctance on the part of the state to let Native organizations operate, not only new services, but services formerly operated by the state, such as corrections[3]. According to Ed Smith, "they...wanted so many strings attached." (Interview, July 17, 1987). These events raise questions about the seriousness of the state's commitment to the development of Native-operated services. Control was still a question, therefore, and perhaps the legitimacy of Native organizations, as well.

By the second phase, starting in 1983-84, the funders were beginning to run out of

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2. The labour force participation rate for Registered Indians, for example, dropped from 40% in 1976 to 31% in 1986 (INAC, 1980:58; 1989:21), and the number of Registered Indians who listed government transfer payments (UIC, family allowance, social assistance, etc.) as their major source of income increased from 33% in 1980 to 46% in 1986 (INAC, 1985:37; 1989:27). These figures are likely higher than those for other Native peoples, but these were the only statistics available. See also Chapter 2 for further discussion of changing trends in crime and welfare use rates.

3. I assisted in developing one such program. I attended one meeting where there were more state representatives present than there had been clients through the program at that point in time. The program was eventually terminated because it did not meet state standards for client volume. These standards had been developed for urban communities. The program was located in a small rural community.

funds. The private foundations felt it first because their revenues came from interest on trust accounts. State departments soon followed, as the fiscal crisis of the state deepened, as indicated by increasing provincial debt loads. For example, from 1977 to 1987 the total debt load of all Canadian provinces increased from 20,095 million dollars to 38,172 million dollars. A similar trend was found in the Province (Statistics Canada, 1981:844; 1989:22.24). Internal cost-cutting measures by the state were quickly passed on to funding-dependent non-profit organizations such as the Agency (Staff members, May 20, 1987; November 27, 1991)[4]. As well, increasing bureaucratization within all levels of the state made it more difficult to have direct contact with, and influence on decision-makers (Ed Smith, April 7, 1987).

The Agency found itself administratively over-extended as it tried to maintain current services, meet the demands for new ones and function with steadily decreasing dollars. New Agency structures and procedures were tried and new funding sources approached, but the Agency was not able to maintain its financial balance.

The contradictory actions of the state in supporting the development of Aboriginal programs but also undermining such efforts through funding scarcity and questionable administrative support should be particularly noted here.

LEGISLATION AND POLITICS

Environmental turbulence also originated in legislative and political changes. These changes led to an increasingly hostile environment for the Agency as more groups began to compete for funding and clients. Section 15 of the Charter of Rights (1982) reinforced the concept of "fair and equitable treatment" and put pressure on all levels of the state to adapt service delivery accordingly (Correspondence, Federal manager, September 11, 1987), especially in the Native area after the successful legal challenge of a Native inmate (Fort Jones newspaper, September 12, 1988). The recognition and affirmation of existing Aboriginal and treaty rights by the Charter (Miller, 1991a:239), while supported by the state, also put pressure on the state. The Aboriginal presence at the First Ministers conferences, even though in a non-voting capacity, increased public awareness of Native issues. The Young Offenders Act (1984) increased the number of young people incarcerated (Leschied and Jaffe, 1987) and in the Province many of these were Native (Staff member, May 20, 1987; Provincial task force, 1991). Jurisdictional problems among various Provincial government departments and with the federal government hindered the development of young offender programs (Agency young offender paper).

Other changes in legislation that influenced the Native community and placed more service demands on the state and on the Agency, included, in the 1970's, gun control legislation[5]; and in the 1980's, changes in the Provincial child welfare act and the Criminal Code of Canada.

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4. It should be noted, however, that state funding increased in other areas. For a discussion of this contradiction, see Chan and Ericson, 1981.

5. The community workshops program the Agency developed as a result of the legislation, introduced Agency services to many new communities.

A federal-provincial exchange agreement was reached in 1986 to transfer the administration of some federal services, such as parole, to the Province (Conversation, Provincial senior manager, September 24, 1992). This agreement unsettled funding and administration jurisdictions between the federal and provincial governments and the Agency as the logistics of the transfer of funding, administration and staff were worked out. This situation was still not completely resolved by 1989.

In the 1970s there had been few federal or provincial state policies regarding Native issues and concerns with the criminal justice system but, by 1990, there were, as an example, specific policies and eleven programs tailored for Native inmates in the federal correctional service (Nielsen, 1990:116). The state also began to hire its own Native staff. While still under-represented in comparison to the number of Native people in the Canadian population or involved in the criminal justice system, the number of Native criminal justice system members began to increase, although staff retention was still difficult (Provincial senior manager, July 31, 1987). In Alberta, for example, the Cawsey Report (1991b:8.41) reported that while about 4% of the province's population was Native and 30% of the inmate population, only 2% of the criminal justice staff was Native. In the Province many of the Native staff working in the criminal justice system were former Agency employees. The Provincial Solicitor General's department also became involved in providing some Native programming (see Chapter 7). As well, new programs such as Legal Aid and Duty Council were introduced. As a result of these changes, the Agency eventually found itself in competition with the provincial and federal branches of the state in providing services to Native people and at a disadvantage, since these branches of the state also controlled access to a significant proportion of the Agency's clients and budget because of their control of the administration of justice and/or facilities and funding.

NATIVE COMMUNITY NEEDS

Demands from the Native communities were changing, adding to the turbulence of the environment. While the number of Native inmates dropped from 40% in 1974 to 28.3% in 1985 (Provincial Solicitor General annual report, 1985-86:12), soon after the numbers again began a slow climb (Agency History, Chapter 3). The increasing number of Native young people involved in the criminal justice system also caused growing concern in Native communities. The need for earlier intervention, especially for young people was suggested by the communities, as was the need for the prevention of recidivism (Agency History, Chapter 3). These concerns were partially guided by cultural revitalization movements at the community and wider levels. These re-emphasized many traditional values, including the value of children and the importance of holistic services (Agency History, Chapter 3).

Native offenders throughout the system were becoming increasingly more sophisticated about the kinds of services available to them, and their needs and demands changed accordingly (Staff member, June 22, 1987; Other CJS members, May 16, 1988; April 13, 1987).

The environment became more hostile as relations between the Native community and the state were becoming more politicized (See Chapter 2) and the revitalization

movements in the Native communities encouraged the growth of Native organizations. Across Canada, the number of Native criminal justice organizations increased. Courtworker programs were operating, or had started and ended, in every province and territory by 1989. In the Province, new service organizations focussed on education and child welfare, but some also strayed into the service field dominated by the Agency. By 1990 there were 14 other Native organizations in the Province active in "social services." The Agency was in intermittent competition with 7 of them for funding for youth and social services (Provincial government department publication, 1990). As well, according to Ed Smith, the Native political organizations were becoming less supportive as the Agency grew and developed political power as a by-product (Conversation, July 16, 1991). According to Ed Smith:

> I wasn't a threat to them politically, at least not to begin with, and we didn't play the high profile. We just continued to do our work. I think which benefitted us in two ways (because we weren't political; we just didn't really think that we were that important). It gave us the time to establish our own niche and our own credibility...then later on...as we got recognized in that the Native community were supporting us for the work we were doing...it [was] almost at the stage where they couldn't budge us. (Interview, November 18, 1991).

AGENCY GROWTH AND BUREAUCRATIZATION

Taking advantage of a supportive environment in the late 1970's and early 1980's, the Agency grew tenfold in size and expanded the scope of its services, an expansion that had direct impact on the 1989 crisis[6]. These changes, taken one by one, were peripheral changes (Singh et al., 1986a:607-8), that is, changes that had little impact on possible organizational mortality. When added together, however, they led to Agency over-expansion and decline.

In 1989-90, the Agency employed a total of 110 permanent staff, up 70 from 1974-75, but down from 1988-89 when the Agency employed about 180 permanent, temporary and contract staff. One area supervisor recalled that her staff grew from 3 to 12 in less than a year (Interview, April 13, 1987). The growth spurt which had started in 1974 began to slow down in 1979 (Staff member, April 13, 1987) and later reversed. The Agency offered 20 programs and services, an increase of 16 from 1974-75, but down from 24 in 1988-89. Eighteen new offices, located throughout the Province, came on stream. It had a budget of $7,232,000 dollars (Agency annual reports, 1974-75, 1988-89, 1989-90).

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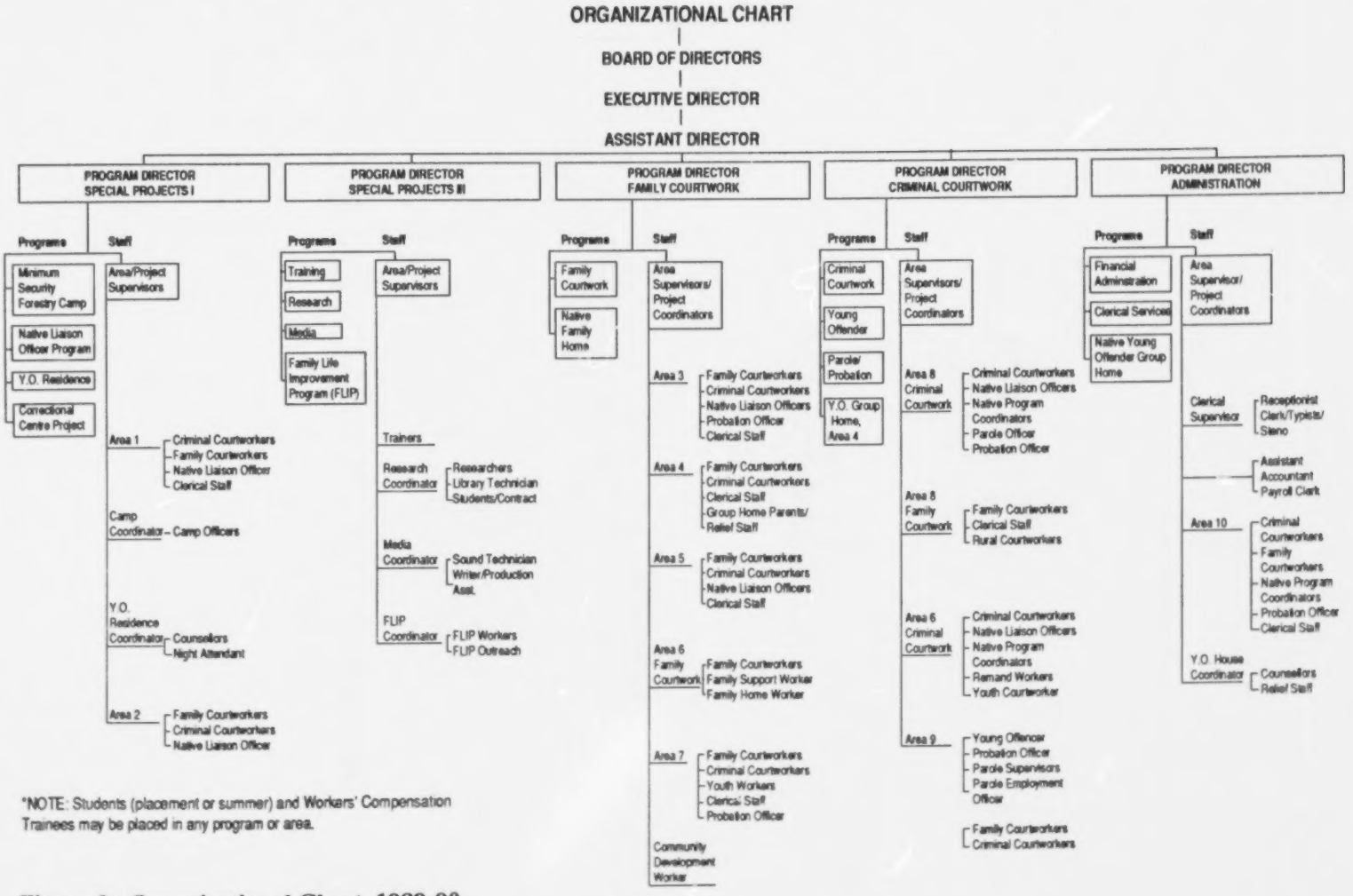
6. The Agency's growth was the one change that a majority of respondents commented on, although they differed on whether the Agency's growth was steady or explosive, great or small (Staff members April 9, 1987; April 29, 1987; April 29, 1987; November 25, 1991; Ed Smith, April 14, 1987; Federal managers, October 23, 1987; May 13, 1987).



*NOTE: Students (placement or summer) and Workers' Compensation Trainees may be placed in any program or area.

Figure 3: Organizational Chart, 1989-90

More administrative personnel positions were created to support and supervise new programs and offices. In addition to criminal and family courtwork in 1989, the Agency offered: parole supervision in one urban centre, family parenting skills programs, a forestry camp, an Elders program in one federal correctional institution, two young offender residential centres, and a minimum security correctional institution. As well, support services had grown to include a financial administration department, a training department, a research department and a legal education media department. Staff hired had higher educational backgrounds and sometimes specialized training (Staff member, June 4, 1987)[7]. See Figure 3 for the Agency's organizational structure.

The late 1970s and early 1980s were described by a staff member as exciting times during which programs were still being tested to "see how far we can go" (Interview, April 13, 1987), and described by government managers as a time they could "get a foot in the door" in developing Aboriginal programs across Canada as a result of the acceptance of the courtworker programs. (Federal manager, October 23, 1987). A staff member pointed out that there were "hundreds of programs started, literally" at the Agency (Interview, November 27, 1991), and this is indeed the case if the developmental phases of the programs are included. The Agency's research department's filing key lists over 170 proposals for programs in 16 areas. A staff member put this in the context of responding to client needs:

> There were so many things that everybody could see to be done, and there were only so many of us. And people didn't know which way to go first, which problem to apply the bandage to. We had no idea if we dealt with this problem [if] it could start all these ones off, or we could start healing with these ones if we started there." (Interview April 13, 1987).

The Agency became very adept at locating and using the still scarce, but increasing sources of program funding. As one staff member modestly stated, "We were lucky to be there. We just caught the end of the rope and hung on..." (Interview, April 13, 1987). Experience with previous programs was used to develop and sell new ones. All programs were developed in light of their relationship to the courtworker programs which were considered the "core" programs by both Agency and state managers, particularly criminal courtwork[8] (Staff members, November 27, 1991; April 13, 1987; April 22, 1987; Federal manager, October 23, 1987).

It was suggested that the way the Agency was accomplishing its main objective had changed, that is, there had been changes in Agency technologies, but not the main objective itself (Staff member, April 10, 1987). In comparison to this, it should be noted that the formal objectives of the organization were expanded twice in this time period, first, to

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7. See Chapter 1, Table 1 for an overview of changes in these Agency characteristics.

8. These programs were the Agency's "technical core" (see Cameron et al, 1987:223) and formed the basis of the Agency's monopoly over criminal justice services for Native people in the Province. It should be noted that one Agency manager added the prison liaison programs to the core programs (Interview, Staff member, November, 1991).

encompass the Department of Justice's emphasis on fair and equitable treatment, and secondly, to incorporate the Agency's renewed and redefined commitment to community development (See Chapter 7).

The Agency's growth during these years seems to have been in response to the demands made by the various branches of the state and the Native communities. Both wanted more programs designed and tried, which the Agency enthusiastically did despite the accompanying operational and financial difficulties. The Agency's cooperation was likely the result of a number of factors, including the good relations at the time between the Agency, the funders (primarily, but not exclusively, the federal and provincial branches of the state) and the Native communities; the increase in the number of financial sources with small amounts of money for innovative services; Ed Smith's unrestrained optimism about the future of the Agency; and a driving need felt by many people to "do something" about Native over-representation while the opportunities existed.

In phase 2, the Agency received less insulation from the state against environmental turbulence; in fact, linkages with the provincial Solicitor General's department and other state branches caused a great deal of the turbulence. This occurred because funding from these sources was reduced, and the Agency had to cut a number of programs as a result. The development of new programs also was curtailed (Ed Smith, July 17, 1987). New projects and programs received shorter term funding, or received funding for scaled-down versions of the proposed program. The come and go of programs balanced until about 1987. Terminated programs were concentrated in the community corrections and young offender services areas, but included other programs as well. They included: province-wide parole and probation supervision for adults and young offenders, province-wide Native liaison and Elders services in provincial and federal correctional institutions, province-wide young offender courtworker and young offender institution liaison programs, fine options supervision, another forestry camp, a parole employment program, two community youth development programs, youth groups in various communities, a home for children with fetal alcohol syndrome, a homemakers program, a diversion project, a suicide prevention program, a brush-clearing project for inmates, an impaired drivers education program, law awareness program in several schools, a young offender intensive probation program, young offender education workshops, and young offender wilderness camps. As well, where once the Agency had been supervising 90% of the Native parolees in the province and was providing complete community corrections services to the Native and non-Native populations in some regions (Staff member, May 20, 1987), by 1989 the Agency had been compelled to abandon supervisory services in all but two communities. Continuing programs lost staff positions. With the new initiatives in youth programming being particularly hard hit, the expectations of the Native communities were disappointed (Staff member, June 5, 1987; Conversation notes, Native community leader, June 10, 1988).

During the 15 years, but particularly in Phase 2, the pressures on the Agency to adopt more formalized structures and procedures increased (Personal observation). Most of this pressure came from the provincial branches of the state, as the Agency History (Chapter 5) stated:

> There is a great deal of pressure on the agency to become bureaucratized and to conform to the standards developed for government programs. A certain degree

> of bureaucratization is needed for any large organization and standards for service delivery are exceedingly important for an agency to remain accountable to its clients, however, [the Agency] must find the line between these needs and the need for its services to remain unique and innovative.

Changes occurred in that "word of mouth" and "handshake" agreements were replaced by contracts and audits (Agency History, Chapter 3). State demands for improvements in the quality of documentation were on-going but were eventually satisfied (Ed Smith, June 10, 1987; Provincial manager, August 10, 1987). There was also concern expressed by state managers that the Agency was not meeting a wide variety of standards for correctional programs. These concerns were alleviated primarily by improving documentation (Staff member, May 20, 1987).

Other symptoms of increased bureaucratization within the Agency included: the introduction of computerized payroll and information gathering[9]; implementation of internal program reviews; standardization in hiring and other documentation; the development of policies on a wide range of topics from holiday pay to fraternization with inmates; revision of the terms and conditions of employment after consultation with lawyers; the development of program manuals; the establishment of separate bureaucratic structures for financial administration, training and research; the introduction and periodic revision of staff job descriptions and evaluation procedures; and the introduction of staff grievance procedures (Agency History, Chapter 12). Staff meetings evolved from dinner in a cafe (and a meeting that "wasn't lengthy. Each individual had his say and nobody cut in, [you] finish your story and that is it." (Staff member, May 14, 1987)), to formal meetings with recording secretaries, agendas and minutes. A non-Native staff member described the bureaucratic aspects of the Agency this way:

> One of the questions I had to deal with a lot in terms of people that I knew outside of the organization is that they were quite curious as to what it is like to work... 'with a bunch of Indians.' Well, I took a delight in talking about that the concerns over budgets were much the same as they are in any organization, the concerns over policies, procedures...We got hung up on details and covering your ass, and back-biting, just like any place else. But somehow a lot of people thought it was different—major differences, and I think they were fairly surprised that it is a structure similar to most organizations. There is a hierarchy, there's procedures, there's policies. Sometimes attitudes towards things are different, but the key things of power and authority are pretty much the same.

By 1989, the structure of the Agency had changed to a somewhat more hierarchical structure. Two new levels of managers had been added. The "area supervisor" or "project

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9. This system was later abandoned in favour of a hand tabulated method because of funding cuts in the research department and because of staff reluctance to fill in the forms. Some staff had only completed anywhere from grade 4 to grade 8 in school and were reluctant to expose their limited reading and writing skills (Personal observation).

coordinator" was added in 1975, under the original designation of "senior courtworker." The "program director" level was added in 1980. The exact responsibilities of the program director job positions varied according to the characteristics and skills of its incumbent, so that a change in management personnel often meant a reshuffling of duties. Other than this addition, which was necessary because of the organization's increased size and complexity, remarkably little change in structure occurred. The supervisors of new programs were simply slotted in under an existing program director.

One staff member commented that the Agency wasn't really bureaucratic —"yet," but that it was unlikely that the Agency could prevent such a change (Interview, April 29, 1987), even though it "would not be a success for the Agency" to do so (Staff member, November 25, 1991).

The Agency's increasing size and bureaucratization caused a number of problems (Staff member, April 10, 1987):

> ...you had to learn to live with the growth and we found that the system that worked for a smaller number of people doesn't necessarily work for a larger group. You have to build in a different type of system. And keep on top of what is happening. Keeping control, and keeping people informed becomes a much bigger task and without that communication and control you lose what you are trying to do. I think for [the Agency there were] very difficult periods that we went through where we were trying to be the little outfit, but were really suppose to be a big outfit. You're trying to still live the old way, yet you are in a new setting...and where we were maybe making mistakes is we didn't take the good things from the old way and transfer them; we started changing things lock-stock-and-barrel and then, as you went on you would always reflect back—we used to do it this way...

As Cameron et al (1987:226) suggest, not all organizational adaptations are positive. Negative adaptations such as conflict, conservativeness, and secrecy appeared on an intermittent basis at the Agency during this period of rapid growth, as mentioned by respondents.

Agency management's response swung between encouraging staff independence, and increasing bureaucratization (Agency History, Chapter 5), with Agency management admitting that it over-reacted at both ends of the swing. For example, Ed Smith recalled, "rather than solve a problem we created a new directive and we were strangling ourselves with our own directives" (Interview, July 21, 1987).

It was commented by staff and outside observers that the harmony operating within the organization was replaced by tension from about 1982 until 1985 (Other CJS member, August 7, 1987; Staff member, April 9, 1987). Agency staff were seen as having less personalized contact with clients, and Agency growth led to isolation among Agency departments and isolationism towards "sharing" with other Native organizations. This process reversed in more recent years (Other CJS member, August 7, 1987). It may be significant that Ed Smith suffered a serious illness during this time period, that there was indecisiveness at senior levels (Conversation Ed Smith, March 16, 1992), and that the

program directors suffered a rapid turnover in staff[10]. This turnover was hard on both field staff and other managers. (Staff member, April 10, 1987).

Staff complained about managerial expertise being spread too thinly, not seeing senior managers out in the field as often, increased paperwork, lack of bottom-up communication, that the good will and trust of staff were taken advantage of, inconsistency in enforcing policies, more strategic planning being needed, unclear direction, and that the Agency had "too many irons in the fire." [11] (Interviews, April 29, 1997; April 28, 1987; April 10, 1987; April 13, 1987; May 12, 1987; May 14, 1987; June 22, 1987; Ed Smith, November 27, 1991). In a 1985 internally-done staff job satisfaction study, dissatisfaction was expressed by about 25% of the staff concerning assistance from middle management in increasing on-the-job skills (26%), communications about supervisor's expectations (26%), and back-up and support by supervisors (22%). When asked about the level of stress generated by the job, 26% were dissatisfied. On the other hand, staff were quite satisfied with the variety of tasks offered by the job (90%), the prestige of the job (86%) and the impact of the job on their self-image (87%). Only 8% were dissatisfied with working in more than one Agency program at the same time.

It was commented that change caused staff to become "disgruntled" and "scared" (Staff member, April 13, 1987). There were problems with staff wanting more input into and control of decision-making (Ed Smith, April 4, 1991).

The Agency stated that it believed these kind of growth problems to be common among many organizations, but that the forms taken might have been unusual at the Agency. Two examples given of unusual forms were 1) staff resistance to documentation which began at the top levels of the Agency and "may well be intensified by the reliance of traditional Native culture on verbal, not written record-keeping," and 2) "the temptation for frustrated field staff to involve Native politicians in resolving a client's problems." (Staff member, April 29, 1987; Agency History, Chapter 5). A state manager identified more "normal" Agency problems as budgeting and priority setting (Interview, October, 23, 1987).

Indications were that the process of Agency bureaucratization was not complete in 1989 from the Agency's point of view. As mentioned above, several managers thought that the Agency was not yet a full-fledged bureaucracy and other comments were made that showed that flexibility was still there, for example, Ed Smith commenting "a policy is a guideline...you don't have to be rigid." (Interview November 27, 1991). As well, the state showed indications of being willing to negotiate their standards and audits, although no action had been taken at the time (Provincial manager, August 10, 1987).

Related to these growth problems was the concern of the Agency about the deterioration of the uniqueness of the cultural aspects of programs. This change was also linked to increased bureaucratization. There were concerns that training provided by lawyers would change the Agency perspective of the front-line staff (Ed Smith, February 19, 1991; Staff member, April 9, 1987). This ties in with Lodahl and Mitchell's suggestion

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10. There were ten different program directors between 1982 and 1987. The number of positions varied with seven program director positions being the highest number at any one time (in 1985-86).

11. See also the later discussion of changes in innovative organizations.

that ideological loss in innovative organizations occurs as socialization is taken over by staff other than the founder (1980:186-7).

The example most frequently mentioned was one of the forestry camps that operated from 1979 to 1987. According to the Agency:

> ...the camp was monitored by the parent [correctional] institution to ensure [solicitor general department] standards were being met. This last point was responsible for most of the positive and negative changes that occurred in the operation of the camp over the years. The camp did well on all the operational audits carried out by the [solicitor general's department], although each audit recommended minor changes to bring the camp more in line with the [solicitor general's] standards. Over the years, however, these minor changes nibbled away at the special services for Native inmates. By the time the project ended, it was no different than any other minimum security camp in the [Province]." (Agency History, Chapter 7).

A staff member commented on the audits saying, "They don't tell you what you are doing right, all they point out is what you are not doing. Everything you are doing right is just pushed to the side." (Interview, April 10, 1987). Members of the programs fought back about some items on the audits, but were, on the whole, not successful because they had had no input in developing the standards being applied or the audit instruments, which were the same ones used for the parent institution (Staff member, April 10, 1987)[12]. The Agency assumed some of the blame for this process because it "took many years for [the Agency] to gain the skills and perspective needed to articulate the philosophy behind its programs...in the meantime, the agency could not justify the necessity of non-conformity to standards." (Agency History, Chapter 7).

It is interesting to note a Provincial manager's comment about the forestry camps being operated "certainly as well as we had run them beforehand." (Interview, July 31, 1987). Another Provincial manager commented, "The bush camp idea was philosophically quite compatible with what we are doing with community corrections..." (Interview, August 10, 1987)[13].

Several members of the Agency expressed fears that the same thing was happening with the Agency's other correctional programs including the group homes and the minimum security centre (Ed Smith, April 4, 1987; Staff member, April 10, 1987). Ed Smith commented that standards must be followed, "but I think our interpretations of them are sometimes a bit different..." (Interview, April 4, 1991). Another staff member suggested, "We don't have to do it their way to make it work, we can do it another way."

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12. On several occasions, it was suggested to managers that these instruments could and should be jointly developed, but as far as I know, this did not occur (Personal recollection).

13. Concerning audits, a provincial manager commented: "There is a fee for services that we are paying, and there are audits that are done with the service to satisfy ourselves and, indeed, what we are paying for is what we're entitled to receive." (Interview, July 31, 1987).

(Interview, April 10, 1987). It was also suggested that the state was doing itself a disservice by enforcing stringent standards: "They should be funding us for new and innovative things, not to duplicate what they're providing." (Ed Smith, July 17, 1987).

Bureaucratization seems to have been an uncomfortable adaptation for the Agency. Agency staff acknowledged its value, but also contrasted it with the formal Native aspects of the organization (to be discussed shortly) as if the two were incompatible. It also seems to have contributed to Agency drift away from the ideals and intent of the founder. There are hints that staff frustration with bureaucratization may have made the Agency more vulnerable to political interference as unhappy staff took problems to Native political organizations, a common reaction at the time (Personal observation).

PROBLEMS WITH LEGITIMACY

Despite the Agency's assumption of having earned legitimacy, Agency actions still pointed to a concern with maintaining and increasing it. Staff members commented that between 1974-5 and 1989 the Agency had "created [its] credibility" and "proved itself" to the funders (Interviews, May 14, 1987; June 4, 1987). Staff believed that this was due to the diversification in programming and "the way the growth came and the support it achieved in the process, and so the circle continues" (Interview, April 29, 1987). The funders, in turn, commented on the Agency's efforts to "upgrade the professionalism and the quality of service delivery in the field" and credited this to their "accountability and good management practices" as exemplified by the Agency's ability to survive funding cuts (Provincial manager, August 10, 1987). It was also suggested that the government would now accept ideas for change from the Agency because it was now large and well-respected enough (Provincial manager, August 10, 1987).

An increase in Agency professionalism was seen as part of the bureaucratization process. The Agency believed that its operations had become more "sophisticated" and professional between 1970 and the late 1980's. This perception was shared by outside observers (Provincial manager, May 13, 1988; Other CJS member, August 7, 1987). Indications of professionalism were identified as: staff training, monitoring and evaluation (Agency History, Chapter 5); the addition of financial administration, research and media departments and a library; producing written documents and statistics (Ed Smith, July 21, 1987); the use of sophisticated charts and A/V materials in budget presentations to the Solicitor General's department (Conversations, Staff member, March 7, 1991; Ed Smith, February 11, 1991); the number of staff with extensive knowledge of social services or criminal justice, and college and university education (Agency History, Chapter 3); the "people skills" and organizational skills of Agency staff (Staff member, April 30, 1987); and requests for the consultation services of Agency departments or specialist staff (Agency History, Chapter 3). Legitimacy and professionalism were linked by respondents, particularly in the context of building credibility with funders (Staff member, August 4, 1987). A Provincial manager agreed (Interview, July 31, 1987). No definition of professionalism from the Agency's point of view could be found although the following is suggestive:

> [The Agency] has grown more sophisticated and confident over the years, and better able to express its views, experiences and philosophy. This does not mean it is losing touch with the people for whom it exists. What it means, rather, is that the agency is gaining in its ability to develop more services for the clients, and these services more realistically get to the roots of problems. (Agency History, Introduction).

This emphasis on professionalism ties in closely with the changes in organizational culture, to be discussed later, and also suggests that the Agency was still very concerned with maintaining legitimacy with the various branches of the state despite its confident statement that it had proved its credibility.

Maintaining legitimacy with Native communities was treated as equally important. Native cultural aspects of the Agency received as much attention as professionalism so that even bureaucratic innovations were sometimes openly described by the Agency in the context of Aboriginal values. An example of this more overt representation is that, while the Agency hierarchy was most frequently presented in the conventional pyramidal shape, it has also been presented as a series of concentric circles (see Figure 4).

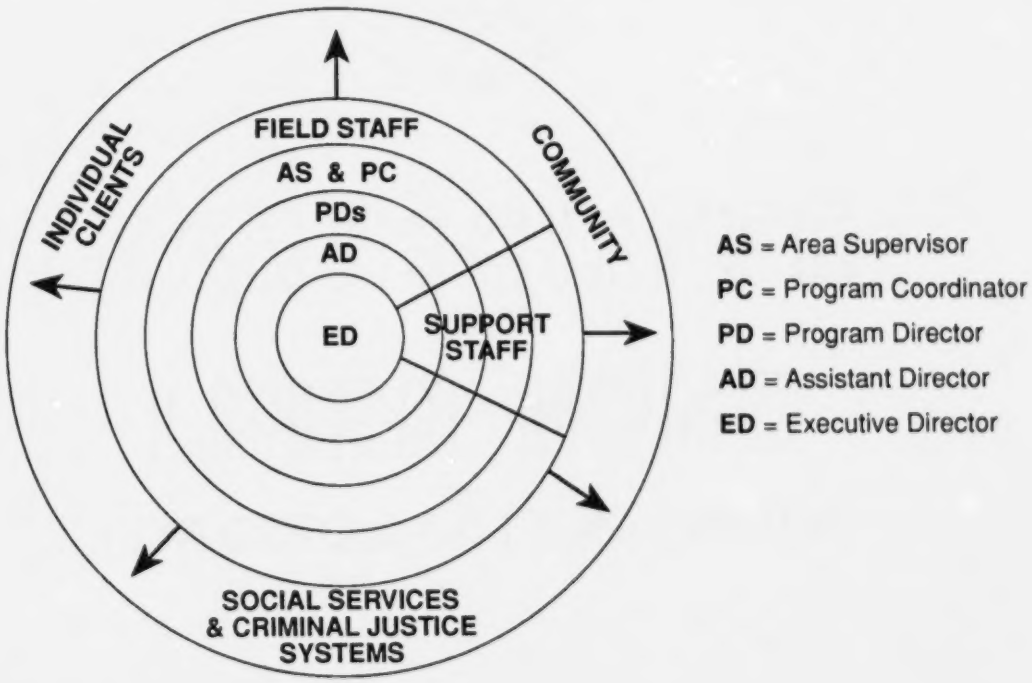

Figure 4: Organizational structure, mid-1980s

This model was described as being the "preferred" presentation and as a "more accurate representation of the interaction between the various positions," and between the Agency and the outside environment. It was explained that "the circle is an important symbol in Native culture. It is also spoken of as the 'medicine wheel' " (Agency History, Chapter 5). Ed Smith explained that the Agency "used squares and rectangles...but the Elders told me 'that's threatening, use ovals and circles where there's no end and no beginning.' " (Interview, February 19, 1991).

This use of Native cultural symbols, as well as the curved "bridge" metaphor, and the other informal and formal cultural aspects discussed later, may have served to give the members of the organization a rationale or ideology that made their in-between status more comfortable and sustainable.

The legitimacy of the organization with the Native communities was risked on several occasions by getting into experimental programs (Staff member, April 29, 1987), but there was little real danger of losing it during this phase since the Agency was becoming accomplished at program development. The Agency received a positive reception in most Native communities but there were still some communities reluctant to grant the Agency legitimacy. As one manager expressed it, "I am not saying everybody runs out and shakes our hand when we are on parade or that we would even get a parade permit in some communities, but generally across the province, we are well received." A number of communities also tried from time to time to exert control over specific programs, for example, in the southern part of the Province where local bands tried to pressure the Agency into hiring only employees from their specific community (Ed Smith, July 17, 1987). Such localized political problems were easy to withstand because of the centralized administration of the Agency (Staff member, April 9, 1987). Another tactic still in use by the Agency was the Agency's repeated reassurances that it was responsive to the community through its board representation, its clients and the input of the Native political organizations (Agency History, Chapter 4).

Events during this time period that also increased the Agency's legitimacy with both Native communities and the state, included: Agency involvement in a Provincial inquiry concerning the involvement of Native people in the criminal justice system (1974); hosting a federal-provincial conference on Native criminal justice (1975) and an international child welfare conference (1987); getting an Agency logo (1976); undergoing the first Department of Justice-sponsored program review (1981); the institution of staff long service awards (1980) and staff excellence awards (1984)[14]; a tenth anniversary celebration with five members of parliament and of the legislature present (1980)[15]; and co-sponsoring a

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14. A staff member noted concerning these and other awards made to outside "friends of the organization" that "the people in the organization put an awful lot of faith in that symbolism." and suggested that the awards were crucial for winning the continued support of employees and outside supporters (Interview April 9, 1987). This importance may have been because of the awards' symbolism of organizational and individual legitimacy.

15. It is interesting to note that the number of politicians accepting invitations to the Agency's annual meeting banquets started to decline thereafter, until in 1985-86, none attended (Agency annual reports, 1980-1991). There was no annual meeting in 1986-87

Province-wide crime prevention project with several police forces (1988).

CHANGES IN AGENCY ORGANIZATIONAL CULTURE

Between 1974-75 and 1989, the Agency's culture changed[16] as the Agency adopted to its changing environment. Agency cultural adaptations were both positive and negative. The most important negative one was the lack of communication and trust among staff as they drifted from the founder's ideal and focussed more on self-interest (see Cameron et al, 1987:226) as illustrated presently.

As seen in Chapter 5, in 1974-75 the culture of the organization was still in its formative stages, although some aspects such as the emphasis on a non-political stance, the informal incorporation of Native cultural values, and a sense of the Agency's uniqueness, were already being expressed. By 1989 a distinctive organizational culture was not only observable by both staff and outsiders[17], but was being used by the Agency as a means of maintaining and gaining legitimacy.

Because of the Agency changing emphasis on Native culture and its relationship to Agency legitimacy and survival, it will be dealt with at some length. The Agency's growing focus on its Native connections can be seen in the formal and informal aspects of its organizational culture, and, to a lesser extent, in the use of a family metaphor.

Formal Native aspects of organizational culture:

The percentage of Agency staff that were Native between 1974 and 1989 varied between 80 and 90%; about 92% of clients were Native; and many of the programs and concepts used by the Agency were couched in Native cultural terms. The Agency describes as "a strength...[the] use of Native cultural values and practices in its operation" (Agency History, Chapter 5).

A joint Agency-Provincial solicitor general publication (circa 1988:4-5) described five characteristics of "a Native approach to program delivery." This Native approach was described as being comprised of communication, Native delivery, cultural components, holism and the right of ownership.

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due to budget restraints. This could be seen as an indication of declining state support. I am speculating that this could have been because of the Agency's lessening importance to the state, as discussed in Chapter 7.

16. "Organizational culture" was defined by Agency members as "the way things are done at [the Agency]." As Hofstede (1980:25-26) points out, organizations have culture much like individuals have personalities. This culture describes the values, ideas, and ways of thinking, feeling and acting that distinguish the organization. These characteristics are derived from the organization's history.

17. It was pointed out by another CJS member, for example, that staff stayed at the Agency longer than at any other Native organization in the Province, not only because of the staff benefits, but because of the Agency's "community environment" (Interview, August 7, 1987).

Communication:

This included informing members of the Native community about the criminal justice system but also informing members of the criminal justice system and the general public about the special circumstances surrounding Native people in conflict with the law.

Native delivery:

The argument of "client comfort" was first made in 1970 as seen in Chapter 4, and was still being made: "Native people are more comfortable with Native staff and are more likely to understand options presented to them...and because Native facilitators are also more familiar with the uniqueness of cultural, language, family, and community circumstances." A Provincial manager pointed out that the impact of Native workers in a non-Native program "is quite limited—you don't get to do your own thing in a non-Native setting."[18]. (Interview, May 13, 1988). Most job descriptions listed "an extensive knowledge of Native people, their culture and language" as a qualification (e.g. criminal courtworker job description, revised 1982). Delivery of services was particularly emphasized by staff members who stated, for example, that clients are the priority (Interview, April 22, 1987), and that staff provide services that "nobody else does," that are "unique," and that are "beyond the requirements of the process" (Interviews, May 20, 1987; November 25, 1991). Agency staff had more involvement in a wider range of services, were more familiar with resources available to clients in the Native community, and weren't as likely to "bring down the hammer" on minor violations of probation or parole as state staff (Ed Smith, April 4, 1991; Staff member, May 20, 1987). Another staff member pointed out that clients were evaluated on their relative success so that, for example, successful forestry camp inmates might be ones "where as they were going out for a month or two, now they're staying out for a year to two years before they are coming back..." (Staff member, June 4, 1987). Staff members contrasted their services and those provided by the John Howard and Elizabeth Fry societies by pointing out that these two groups weren't as effective in assisting Native clients and didn't encourage Native people "to do their own thing" (Interviews, July 17, 1987; April 13, 1987). Clients were asked to take some of the responsibility for proving the worth of the program (Staff member, April 10, 1987).

Cultural components: "Native cultural and spiritual awareness"[19] were seen as important components of Native rehabilitation and to serve as a focus for crime prevention programs.

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18. This is an argument against the hiring of Native staff as was done later by the provincial Solicitor General's department and other state branches.

19. A staff member pointed out that culture is not just "spiritual," but is "everyday living for an Indian." A Metis himself, he pointed out that he was really not that familiar with Indian culture. Another staff member pointed out that some of the non-Native staff were actually more knowledgeable about Native culture than some of the Native staff members. It was identified as a strength of the Agency that both Native and non-Native staff members wanted to learn more about Native culture. (Interviews, May 6, 1987; June 1, 1987).

Holism:

This was seen as desirable because "successful rehabilitation may be dependent on changing the individual's environment, as well as the attitude of the individual." A holistic approach is more flexible, individually-oriented and goes beyond conventional criminal justice methods[20]. A staff member commented, "We care more about the whole body, the whole being, instead of just the one problem." (Interview, April 13, 1987). This same staff member enlarged the concept to include the organization and its relationship with the criminal justice system, saying, "There is a real genuine caring about each other and about clientele. We even care about the dumb old probation officer and police officers and judges...some see us as a circle and we are the piece that pulls the circle together. It is a 'c' and nobody has joined, until we hold hands and [the Agency] is that one that binds the circle."

The potential for conflict of interest was raised occasionally with the Agency, but from the Native cultural perspective, conflict of interest is not possible because the end goal is harmony within the community. For the Agency to successfully carry out its job, all members of the criminal justice system, the client and the community must feel that justice has been done. This was not a formally recognized goal of the Agency, although it was an underlying theme. This idea may also apply to the Agency's philosophy about working with the state and the Native communities: it is not possible to be co-opted if harmony is established. Harmony would require "balancing" the relationship between the groups so that no one group would have an unfair advantage (Personal observation). Whether this is possible with a group as powerful as the state as a member of the circle is the question that challenges this ideology.

Right of Ownership:

This was associated with input from the community and was linked with the effectiveness of programs[21].

It should be noted that Provincial managers also used these phrases in interviews but supplemented them with phrases such as "integrated services" and "all-purpose programs" (e.g. Provincial manager, August 10, 1987). A staff member and former government employee described the organization as being "people-oriented" and contrasted this with government:

> [At the Agency] they do things to arrive at a solution based on what the people think is right rather than looking at the process and making people fit into the process...in the government they set up programs and the clients have to fit into

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20. Client services were described as a cycle and losing a program as "breaking the link" (Ed Smith, April 4, 1991). The idea of holistic services began with the introduction of the alcohol education programs because court services weren't enough to keep alcoholic clients out of jail (Other CJS member, August 7, 1987).

21. A 1990 Agency publication on its minimum security institution restates and emphasizes these principles (except for "right of ownership" which was left out). This omission may be significant in light of later Agency problems with self-determination. See Chapter 7.

> the programs and if they don't, they don't get the service. (Interview, November 25, 1991)

Several of the projects, local programs and physical facilities had Native names, meaning things like "ours," "house of the bear," and "try again." Several programs were designed specifically to teach Native cultural values, including Native Awareness training for adults and young offenders, and the Elders programs in federal and provincial correctional institutions. The Agency library, in addition to sections on justice, corrections, training, etc., had large non-fiction sections devoted to Native culture, history, issues and language; as well as a section of Native fiction for adults and children. The productions of the legal education media department featured Native actors and Native communities, and dealt with issues of concern to Native people. Some productions were dubbed in Native languages.

Other programs had specific cultural elements such as the informal sensitization work done by courtworkers (mentioned above), and the programming work done by prison liaison officers which included Native awareness training, language classes, and assisting Elders to organize sweat lodges, sweetgrass ceremonies and pipe ceremonies[22]. A tipi was raised inside one federal institution, as an example. Elders were involved in all the youth programs and in several conferences sponsored by the organization. These conferences featured feasts and pow-wows as part of the programming. Traditional teaching methods —"story-telling, observation and doing"— were used in the Agency's educational and developmental programs, and "developmental work is done with respect, consideration and caring" (Agency History, Introduction). Respect was pointed to as key: "when we realize that everybody's shit stinks the same way, that puts quite a different approach on [work]. That is respect when you appreciate that." (Staff member, April 9, 1987). It should be noted that "respect" is one of the basic values in Native culture (Bopp et al, 1984:76).

Native cultural aspects had been adopted into the organization's structure as well. The Elders on the board of directors were described as "a valuable asset" (Agency History, Chapter 5). The Agency compared itself to a tribal structure, "with a decisive leader, wise Elders, active and enthusiastic warriors, and efficient and trusting supporters" (Agency History, Chapter 5). Ed Smith commented that he had been told by younger staff members that more older staff were needed, "It's back to [an Elder's] idea of balance. You get the new, you get the balance of inexperience with the experienced." (Interview February 19, 1987).

Nevertheless, the organization did not want its involvement in Native cultural activities to be seen as a capitulation, as Ed Smith explained: "...you look at some of the Elders that are out there [saying] 'The only way is the Indian way.' Well, that's wrong." And, "We always get that—'we're not Indian enough,' but yet you have to look at combining the two. Basically, you look at the two—culturally and business-wise, they're

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22. Both Elders and "Native spiritual counsellors" worked inside the institutions. These counsellors were younger Elders or individuals on their way to becoming Elders. As such, they are a modification and adaptation of a traditional role. (Other CJS member, August 14, 1987).

both survival. You just bring in what you grew up with." (Interviews, February 19, 1991; April 4, 1991). He associated being "too Indian" with letting "the social thing or recreational or cultural thing interfere with your work..." and "too much talk, not enough action." He concluded, "a real Indian acts." (Interview April 4, 1987; Conversation, July 16, 1991). Another Agency manager contrasted Native cultural aspects and "business" by commenting that when the Agency started "we knew about Native culture, but not about business. Now we know more about business." (Conversation, March 14, 1991). On the other hand, Ed Smith pointed out that the state had tried but couldn't duplicate Agency programs because the state couldn't duplicate the organization's "culture, philosophy, way of doing things" (Conversation, September 11, 1991).

This formal expression of Aboriginal values served to advertise the Agency's "Indianness" to both the Native communities and the state in the hopes of furthering Agency legitimacy; however, at the same time, the Agency was careful not to align itself too completely with the Native communities nor with bureaucracy (and the state).

Informal Native cultural aspects:

Based on observations at the Agency's main office, my retrospective observations of the Agency from 1978 to 1991, and conversations with Agency staff, certain informal aspects of organizational culture that seemed distinct and Native culturally-based, became evident. Some of these characteristics were encouraged by Agency staff; some were not; and some were not even recognized as "Native" by participants. They included:

Informality of address: Everyone in the Agency was on a first name basis, from the board of directors to the newest recruit. Outside contacts were also referred to by their first names, or, if in a very high position, by both first and last names. Along with this, the protocol for meetings was that people were expected to be honest and direct in their comments. Staff members who had worked for the state said that this contrasted with the formality of state protocol, as did the casualness with which Agency staff interacted with senior managers within the Agency and within the state hierarchy (Interviews, November 27, 1987; November 25, 1991). Staff also were not restrained by any organizational protocol from talking to the media (Fort Jones newspapers, October, 1988; December 28, 1989; Other Provincial newspapers, July 18, 1989; September 10, 1989; Native newspaper, October 5, 1988).

Use of Native language:

Some Native words and phrases— translated as "yes," "come here," "really," "how are you," and "grandmother"—and others, were in general use by all staff, including non-Native staff (including me). Silences were also an important part of Agency communication. A non-Native staff member recalled his first meeting with the members of the Agency's board of directors:

> [I] asked the questions and then sat there, and was ready to write the answers, and I waited, and waited and waited, and it seemed like for an hour I waited and I didn't get any answers and I was very, very frustrated by this, because I had done all this work in terms of preparation for this meeting and I wasn't getting any response. So, I turned to [Ed] and said very quietly, "What's going on? I

> am not getting any reply." And he kind of smiled and said, "Well, you asked them very important questions and they are thinking about how to give you very important answers." And after a while and I presume it was only a few minutes, the answers started to come, sort of one at a time, but everybody contributed to it. It really impressed me." (Interview, April 9, 1987).

Artwork:

Maps of Indian reserves and tribal affiliations and posters from other Native organizations covered a great deal of wall space, however, the majority of fine art hung was by Native artists, or if not, were representational of regional landscapes. A display case of crafts made by staff and clients was prominently placed in the reception area of the head office.

Family members:

Family members of all levels of staff would visit the office and wander around talking to people. Family members often attended social functions designed for staff, such as potluck lunches. The families of senior managers, including grandparents and small children, attended public relations events, such as the annual meeting banquet, whereas the families of other staff members usually did not. Family members also occasionally sat in on training sessions.

Clients:

Clients were on a first name basis with all staff including senior managers. They were introduced as "friends" by most staff members, instead of clients. Clients wandered around the office to get coffee or visit with staff they knew. Staff would take their clients out for lunch or coffee. Clients also phoned to chat with staff long after their official relationship ended (Staff member, April 13, 1987). One staff member described the attitude towards Native clients as, "Like, I have my job to do, but you are the same as me, and if you smartened up, you could have this job." (Interview, April 13, 1987).

Establishing relations and social greetings:

On introduction to someone, it was immediately established what community the person came from and who they were related to or knew. Not surprisingly considering the large size of many Native families, many people throughout the Province, staff and clients, were related in some way by blood or marriage. This process was also followed for non-Native staff but aimed more at finding out which Native people the non-Native person knew. Whenever I went into a community to do research, for example, it would be established that I knew Ed Smith and the local Agency staff before the conversation continued. Staff, including senior management, visiting from other offices were often greeted with hugs, which a staff member noted "opens you up to talk and listen" (Interview, November 27, 1987). A staff member noted that people were very "open" about themselves (Interview, April 9, 1987).

Prayer:

All meetings of the Board of Directors began with a prayer as did all conferences

sponsored by the Agency. Elders were asked to say a prayer before banquets and at the beginning of special meetings and workshops.

Informality of dress:

In rural areas it was acceptable for staff to wear blue jeans under some circumstances, such as visiting isolated communities. It was not acceptable wear in court. Several memos over the years were written to remind staff of this (e.g. Memo, July 13, 1983). Braids and beaded and turquoise jewelry were commonly worn by staff, as were Native-made moccasins, mittens, and coats. These were worn by Native and non-Native staff alike.

Story-telling:

Discussions among staff of problems with clients or other work, or personal matters often followed a "story-telling" format, where, instead of giving advice, the advisor would relate a story that applied.

Training:

All specialist and management staff were required to take basic courtworker training to increase their understanding of the reasons for the existence of the Agency, but training also served a "levelling" purpose, so that staff were less inclined to think their job more important than someone else's. The training room was laid out so that trainees sat around a table rather than facing the trainer. Sweetgrass was often used as part of training, but as a staff member commented: "...there was that notion of respect—respect the people that wanted to use the sweetgrass and respect the ones that didn't want to." (Interview April 9, 1987).

Helping:

A non-Native staff member remarked that he was not afraid when given a task he had never done before because he know someone would help him. He called this "the Native way." (Interview, November 27, 1987). This was also part of the "family" metaphor discussed in the next section.

Joking and teasing:

These were used as means of informal social control and as part of "levelling" so that people were teased about mistakes or actions that made them stand out. I once forgot to turn on a microphone when taping a respondent. I was reminded about the incident for months by a wide variety of people. These methods were also used to "knock someone down a peg." Related to this is the observation by a Provincial manager that, "Native people by-and-large do not blow their own horn and tell everybody how good they are." (Interview May 12, 1987) . Ed Smith once jokingly told me that he hired non-Natives "to brag up" the Agency, since Native staff didn't do it.

Touching base:

Managers would periodically wander through the head office to "touch base" with staff. Conversations would range from discussing family members to sharing ideas for

new programs.

Of the informal characteristics listed above, those that were actively encouraged were informality of address, artwork, prayer, training, helping, and touching base (Personal observation). A staff member summed up the informal cultural aspects of the organization by saying, "I think it was a good healthy respect for cultural, spiritual kinds of things—not over-done, but not neglected either." (Interview, April 9, 1987). It should be noted that some staff expressed puzzlement when questioned about some aspects of formal and informal organizational culture. In several cases I was referred to the Elders for clarification of difficult concepts such as the relationship between front line workers and clients (for example, Staff member, April 22, 1987). This in itself indicates a unique cultural aspect of the Agency.

It is possible that active encouragement of some cultural aspects was aimed at counteracting some of the bureaucratization that affects an increasingly large organization. It was suggested by a staff member that the size of the Agency might have something to do with the relations among staff, but he did not think that size accounted for all of the differences. He suggested these were the result of the similar family backgrounds of staff (Interview, November 25, 1991), that is, most came from extended families raised within a Native cultural context, which led to certain ways of relating to people in a group setting.

Some informal aspects changed over the 15 year period, most of which had to do with management and most of which indicated drift away from the ideology of the founder as it was when the organization started:

Offices:

Until the mid-1980's some senior managers and most middle managers did not have individual offices or special offices, that is offices with meeting tables or a good view. Most shared the open work areas with their staff or had small plain offices, a situation explained in terms of maintaining good communication and as a leveller of status. The second last head office move saw senior managers move into separate offices.

Secretaries:

In the late 1980's, the secretarial pool was broken up so that each program manager was assigned a secretary. The secretaries of the three most senior managers had their own spaces adjacent to each manager's office. The three managers no longer answered their calls directly. Ed Smith's secretary began to answer the telephone with "Mr. Smith's office," ending the universal first-name informality of the organization. Where once it was commented that "You have to really sometimes look to see who the hell the boss is" (Ed Smith, July 21, 1987), more clues to status were becoming available.

Head office:

It was moved away from the downtown area into the government centre. Then, starting in the basement of a small walk-up office building, it moved twice more, both times into highrise buildings several floors above street level. Some concerns were expressed that clients would no longer feel comfortable dropping in.

In summary, the Native aspects of the Agency's informal culture were tolerated if not encouraged, to emphasize the Native nature of the organization. Some of these aspects of informal culture such as informality of address and touching base could likely be found in a non-Native organization, but some were very distinctly based on Native culture, such as, prayers, artwork and the family members wandering about. These likely helped maintain Agency legitimacy with the Native communities.

Increased legitimacy with the state also may have been a goal, since, as the Native "partner" of the state, the Agency would have to look Native for purposes of state legitimation. The changes that occurred in informal culture seemed to be related mainly to increasing bureaucratization and the adoption of non-Native organizational culture. As mentioned above by Ed Smith, he and the Agency had been criticized by staff and by outsiders, including an Elder, for not understanding enough about Indian culture (Native newspaper, November 6, 1987; Conversations Ed Smith, November 26, 1991; July 16, 1991). The criticisms might also have been related to the Metis and non-Native status of most of the senior managers which would concern most Indian groups. They also might have been an indication of the cultural variability within Native communities, in terms of expectations of the degree to which traditional practices are followed within Native organizations.

Family metaphor:

The family metaphor was related to the informal organizational culture and provided a great deal of evidence of drift away from the founder's ideology. The metaphor was traced back to the early years when staff:

> ...knew each other extremely well, either from their common backgrounds before [the Agency] or from the long hours working together and, especially fighting two common battles—establishing the agency and stemming the flow of Native people into [the Province's] jails. Feelings of mutual respect, pride and belonging quickly developed, as did a sense of ownership of the organization...this feeling of kinship among staff was augmented by the great personal dedication and sacrifice...that the job required." (Agency History, Chapter 5).

This metaphor was used by numerous respondents, both inside and outside the Agency (e.g. Staff members, June 1, 1987; April 22, 1987; Provincial manager, July 13, 1987). Non-Native staff were included as part of the metaphorical family after they were accepted (Ed Smith, February 19, 1991)[23]. Ed Smith described "family" as a management style, saying: "It is an effective way of running an organization... because when you create that type of atmosphere everybody feels they have some ownership in it." (Interview, November 27, 1991). He linked "family" with "harmony" in staff relations (Interview February 19, 1991).

On the other hand, Ed commented that one of the drawbacks to "family-style

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23. Non-Native staff caused some concern among Native staff who feared that they might lose their jobs to them (Ed Smith, April 4, 1991).

management" was that jealousies developed and "you get cliques forming, a school yard attitude." He suggested that "You get the most destructive things on a team when a person forgets he's part of the team and [thinks] he can win by himself. And every team has one or two of them." (Interview, April 4, 1987). A staff member suggested that "allowing friendships to supersede employee-employer relations" was also a problem (Interview, April 13, 1987).

The Agency acknowledged that family feelings were beginning to fade and gave as evidence: the growing number of internal staff conflicts; the growing number of people "more likely to do their work for a pay cheque...than to help 'the Family' "; staff abuses such as petty theft, padding of expense accounts, and abuses of sick leave; and several lawsuits laid by staff against the organization in the late 1980s[24]. These changes were blamed on the fading excitement of the early years and "the inevitable friction between people working close together, often in cramped quarters; the lack of commonalities because of diversity in job positions; distance between staff making it difficult to share information or worldviews; personal problems; and pressure from outside groups." (Agency History, Chapter 5). A staff member commented, "I think it was a real family, way back...I think the kind of family we have right now is a little disjointed. There is too many divorces and too many fights, almost." (Interview, April 10, 1987). Another staff member commented: "A lot of people are saying that the family is going away but I don't see it as that. I see it as just another growth in [the Agency]. A more maturing process...I see us just becoming...a lot more professional" (Interview, April 13, 1987).

The Agency pointed out that personal relations among staff may be the Agency's greatest strength, but also its greatest vulnerability. (Agency History, Chapter 5). These changes in the family conception of staff relations indicated that the members of the Agency were drifting away from the original ideals of the founder (even though he was still an active member). As suggested by Lodahl and Mitchell (1980:185-6), there was loss of contact between the founder and staff (despite his practice of "touching base"), the formalized structure discouraged enthusiasm among new recruits, and recruits may have been there more out of self-interest than ideological commitment. The bureaucratization process, therefore, along with sheer increase in size, seems to have caused this change.

INCREASE IN AGENCY FINANCIAL DEPENDENCY

The final historical trend to be discussed was the Agency's increasing financial dependency on one state funding source, the provincial Solicitor General's department. A change in the nature of this linkage was originally proposed by the Agency for its own benefit, that is, to increase stability, predictability and access to rewards, but, instead, it led to increased environmental turbulence.

In 1989-90 the Agency's budget was about $7.2 million, an increase of about $6.3 million from 1974-75, and the largest annual budget the Agency had up until the end of 1991. The provincial Solicitor General contributed about 86% of this budget in 1989-90.

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24. These lawsuits primarily involved wages claimed for undocumented overtime.

This was a dramatic difference from 1975-76[25] when the same funder contributed 29% (See Table 2.)[26].

Table 2: Percentage of Agency Funding Controlled by Specific Sources, 1970-71 to 1990-91.

YEAR	FUNDING SOURCE						
	Prov. (1) S.S. S.G.		Just.	Fed. S.G.	Fdn.	Other	Total
70-71		64 (2)		36	–	–	100
71-72		60		37	3	–	100
72-73		93		4	3		100
73-74		79		17	4		100
74-75		69		8	23		100
75-76	29	16		36	17	2	100
76-77	29	33		28	8	3	100
77-78	29	32		30	9	–	100
78-79	34	32	24	6	4	–	100
79-80	32	35	21	4	8	–	100
80-81	33	33	18	7	7	2	100
81-82	32	38	16	6	8	1	101
82-83	32	35	16	6	10	2	101
83-84	33	34	17	7	10	–	101
84-85	31	32	15	11	10	2	101
85-86	78	4	–	11	6	2	101
86-87	81	4	–	10	5	–	100
87-88	81	6	–	6	5	3	101
88-89	82	5	–	5	4	4	100
89-90	86	5	–	2	4	3	100
90-91	86	4	–	1	5	3	100

Sources: Agency annual reports and statistical summaries, 1973-74 to 1990-91; Agency staffing patterns and organizational development study for the years 1970-1981.

1. Prov. S.G. = provincial Solicitor General, S.S. = provincial social services, Just. = federal department of Justice, Fed. S.G. = federal solicitor general, Fdn. = private foundations. Because of Agency record-keeping, it was not possible to get a breakdown of figures in some years where funding sources were simply listed as "provincial," "federal" or "other."

2. All figures are rounded off.

25. It was not possible to get figures for 1974-75 because of Agency data-gathering methods. It can be noted in Table 1 that in 1974-75, 69% of provincial funding came from the Solicitor General's and social services departments combined. At this point the funding from social services was still negotiated separately.

26. This change occurred because of the consolidation of funding administration under the Solicitor General's department, as will be described presently.

The change occurred in 1985 when the Agency suggested to its two provincial funders that a consolidated administration of its funds might be more efficient for all parties concerned. The federal Department of Justice's share of the criminal courtwork program funding was already being administered by the provincial Solicitor General[27], and in the interests of lessening pressure on courtworkers to conform to the narrower view of courtwork espoused by the Department of Justice, easing negotiations, decreasing the number of audits done each year[28], and lessening administrative costs, the Agency suggested that the same thing be done with the funding provided by the social services department for the family courtwork program. The Agency felt this move would be a step towards obtaining "core funding," that is, separate funding to cover its administrative costs. The Agency had been plagued by high overhead costs in proposing new programs. The Agency had no funding specifically for management, clerical and training services. Each program had to contribute a share. Funders found this a disincentive in funding new programs, especially small programs that they argued, did not need a great deal of administration and should be absorbed by the Agency's existing structure (Agency History, Chapter 12). After the recession began to take effect, most proposals were quite modest so that this lack of administrative coverage merely added to the problem of Agency over-extension.

The relationship between the Provincial Solicitor General and Agency seemed quite good. According to a joint publication of the two organizations (circa 1988:1) "[the Agency] spearheads a number of the [Provincial Solicitor General's] program initiatives in the province." Ed and other senior managers had developed good professional (and, in some cases, personal) relations with their contacts in the department.

The Agency's rather risky expansion strategy of asking courtworkers and other field staff to take on extra duties in a new program area (such as young offender probation) (Staff member, November 25, 1991), worked well until the recession, when the funders began to respond that the Agency had done quite well in the past without additional funding. Since field staff were already over-extended and no support services such as supervision and clerical services were funded, it became necessary for the Agency to cut its losses and pull out of some of these "extra" services. This caused some problems with Native community expectations and lessened the Agency's legitimacy in Native communities.

This effort to get core funding was also the result of attempts starting in the late 1970's to get salary parity with state-employed service providers such as social workers and probation workers (Board of director meeting minutes, September 22, 1978). A Public Services Commission study in 1979 found that courtworkers had the same job duties and required similar job skills to social workers. The Agency used this finding, along with the results of the 1981 review of the criminal courtworker programs and the high educational levels of some support staff, to approach its two principal funders, the Solicitor General

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27. When the minimum security correctional centre was established, the provincial Solicitor General also administered the Correctional Service of Canada's share, the largest portion of the funding (Provincial manager, December 9, 1991).

28. In 1984, for example, 8 audit teams in 12 months reviewed the Agency's books (Agency history, chapter 4).

and the department of Social Services, with the proposal that the Agency's staff should be paid at an equivalent level to social workers or probation officers (Staff member, April 14, 1987; Ed Smith, July 21, 1987). Ed received a verbal commitment from the Minister of Social Services that such funding would be forthcoming. In keeping with the Native cultural values of the organization, such an agreement was sufficient grounds upon which to take action. As a result, Ed took this information to the Solicitor General's department and used it to negotiate equivalent salary increases for the criminal courtworkers, for as Ed explained, the two positions did essentially the same job, and in fact, in many rural areas one person did both jobs. The Solicitor General's department signed an agreement, but Social Services stalled, a new Minister was appointed, and the department eventually told the Agency that the former Minister had made a promise that could not be kept since the budget had already been allocated. Unfortunately the Agency had already used the Solicitor General's contribution to increase salaries for both criminal and family courtworkers. The Agency's management felt it couldn't revoke the raise nor could it leave the family courtworkers high and dry; morale problems would have been enormous and it would have gone against the basic egalitarian values of the Agency. When asked why the Agency acted on the Minister's verbal promise, a senior manager explained, "[The Agency] would take people's word and I think other people used to take [the Agency's] word and it was a common way of doing business. I think a handshake in the past...a lot rested on that handshake...there was honour and trust..." (Interview, November 27, 1991).

The Agency negotiated a bank loan with the hopes that the promise of the Minister would be fulfilled in the next budget. It was not. Nor in the next, and the deficit accumulated. The Agency's linkage with the Solicitor General's department provided some insulation. The Agency used budget surpluses, with the Solicitor General's department's blessing (Staff member, April 14, 1987), as well as income from its fee-for-services contracts and research contracts, training contracts and other outside contracts. Occasionally the Agency added to the deficit in the interests of proving the need for a new service or an additional worker for which the current budget did not provide. By 1984 the deficit came to a total of $264,000 (Agency History, Chapter 3) and become a sore spot with some funders, particularly the private foundations who saw it as a sign of financial irresponsibility on the part of the Agency[29]. The Agency, however, was not concerned. A senior manager explained:

> There wasn't any pressure to do anything about it...the deficit, it was all right to carry a deficit; that way we [could] show that there is a cost to running programs...it can be healthy, as long as you are doing it for the right reasons...we did things we weren't funded for and we did things with the knowledge of the [Solicitor General's department]...it wasn't as if we did something that they didn't know about...we [were] running programs that were helping them...they recognized that they were asking us to do things that they shouldn't have been. (Interview, November 27, 1991).

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29. And, I am speculating, as an opportunity to impose dominant society expectations of "proper" organizational structure. Some foundations did not approve of the kind of people the Agency had as managers, for example.

This centralized funding arrangement worked well until the recession, when the Solicitor General suffered funding cuts and passed them on to the Agency. At this point the linkage became a source of organizational turbulence. Funding freezes and Agency cost-saving measures began in 1982, but did not have real impact until 1985 when the provincial Solicitor General's department asked the Agency to cut the proportion of its current year's budget contributed by the Provincial Solicitor General by $600,000[30].

The Agency had already been making lateral cuts in travelling and administrative costs, putting freezes on salaries, and making delays in hiring. Staff positions were not filled, but only in periphery programs, that is, programs outside the core courtworker programs. The criminal courtworker program, for example, suffered no position losses. But there was very little "fat" left. With this funding cut, twenty staff members had to be laid off, but no major programs were lost.

Each subsequent year the budget was again frozen which effectively meant financial losses.

A second round of cuts occurred in 1987, but these were not as serious. As with the earlier cuts, the Agency had little choice as the Solicitor General had the Agency "at their mercy" (Native newspaper, January 21, 1987) because of the large proportion of the funding the department controlled (See Table 1). The Agency negotiated the cut to $350,000. The Agency also kept control over where the cuts would be made (Staff member, May 20, 1987). Actions were based on the recommendations of a committee of senior managers. Although major programs were cut, fewer staff positions were lost. By closing down one of its two forestry camps, a saving of close to $300,000 was made and only five staff positions lost. There was some discussion about which of the two camps to close. At the provincial Solicitor General department's request, the southern camp was left open[31]. The probation supervision program was also ended, secretarial and administrative positions were deleted or cut back in work hours, and two regional offices were closed. There were a total of 6 positions lost (including the camp staff) and 8 vacant positions not filled (Legal association newsletter, October, 1987). Again, the core courtworker programs were carefully protected from cuts (Staff member, April 9, 1987). A complicating factor was the hard-won salary parity for staff. If the pay scales remained at too low a level, parity would be lost (Senior management meeting minutes, December 12, 1988).

While the Agency had suffered some financial administration problems in the late 1970's,[32] these seemed under control by the mid-1980's. The Agency developed a reputation for having "good fiscal management" which added to its credibility (Other CJS member, August 7, 1987)[33]. This image was not correct, however, according to senior

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30. The Solicitor General's department was passing down the cut in its budget to all of its contracted service providers, including the Agency.

31. I believe that, at the time, the provincial Solicitor General's department may have been aware that the local tribal group would soon make a bid to take over this camp (see Chapter 7) and wanted it still in operation when that occurred (Personal observation).

32. These were supervision of the financial staff and balancing the budget, as well as the more minor tasks of producing T-4 slips, and keeping track of holiday time taken and health care payments (Staff member, June 5, 1987).

33. The Agency was careful to disassociate itself from other Native

managers (Interview, April 14, 1987). As a senior manager explained:

> [The Agency] didn't have a financial management system that helped us balance each year, so we overspent, it just kept adding to the deficit. We didn't have a good enough system to control the finances...we wouldn't know until it was a new year, starting all over again. (Interview, November 27, 1991).

The funding freezes and cutbacks that the Agency underwent should not be confused with organizational decline. They were short-term responses to a significant change in the funding environment and aimed at long-term survival. There WAS a decline, though, and it was the result of the Agency's blindness to the deficit. The Agency's financial management system had not kept up with the increasing size and complexity of the organization nor the complexity of the funding environment (see Table 1 in Chapter 1).

OBSTACLES TO AGENCY SURVIVAL

In order to meet the pressures for more services that came from the state and the Native communities, the Agency over-expanded its internal resources. Sooner or later something had to give. It happened in 1989.

In November 1989, the Agency's newly-hired financial administrator (a Chartered Accountant) who recently had implemented a new accounting system, was reviewing the Agency's budget for the year. He found that the Agency was facing a shortfall of approximately $320,000 by the end of the fiscal year (Conversation, Ed Smith, September 3, 1991). This would be in addition to the over $300,000 accumulated deficit the Agency was already carrying from previous years, making an accumulated debt for the Agency of over $600,000. In addition, 1) there had been a change in managers at the bank that the Agency usually dealt with, and 2) the Agency's new accountant had not been told, formally or informally, about an established banking procedure for covering the regular operating deficit which occurred each spring while the Agency waited for state funding to arrive. The new bank manager was afraid to extend a further line of credit in light of the large anticipated deficit and threatened to bounce the Agency's payroll cheques. Ed Smith pointed out that "you would only need that to happen once and the credibility of the organization is gone." (Interview, April 4, 1987). A senior manager stated, "what would have happened is that the agency would have folded—and all it needed was for the bank to say 'no.'" (Interview, November 27, 1991).

The lack of communication between the new financial administrator and other Agency staff was a phenomenon that likely would not have happened earlier in the Agency's history. It was the result of increasing Agency growth and ideological drift. It meant that the new administrator was not adequately socialized into his job by other senior managers and financial staff. Some of this was due to conflict among managers and some

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organizations, not only for political reasons, but because many of these other organizations were in serious administrative, political or economic trouble and the Agency did not want to be tarred with the same brush (Staff member, April 14, 1987).

to inadequate supervision (Personal recollection).

Ed saw this crisis as an opportunity for Native organizations and some officials of the state to flock around "like a bunch of vultures" to try to take over control of the Agency's operations and structure by offering to make the Agency more "accountable." The Native political organizations would be conveniently ignoring that they also were having financial administration difficulties at this time (Interview, April 4, 1991).

Adding to organizational turbulence was the loss of courtworker positions and threatened loss of whole programs to bands as part of the Solicitor General department's Native initiatives (See Chapter 7 for a detailed discussion). Related to this was the increasing expression of discontent coming from the Native communities that the Agency was no longer providing the same level of services because of the funding cutbacks (Staff members, June 1, 1987; April 1, 1987; August 4, 1987). One staff member commented: " I think we lost credibility with...those communities..." Even though relations with these groups were still good, Ed and the Agency were well-aware of the continuing desire of these groups to exploit the Agency's financial and political resources. This financial crisis could have provided the means for one or the other of these groups to gain control of the Agency for its own purposes.

AGENCY RESPONSE

While the Agency had been blinded to the problems to the possible repercussions of the deficit and the inadequate financial management system, once the crisis occurred the Agency reacted quickly with a number of bureaucratic actions designed to ensure short- and long-term survival. In the short-term, the Agency requested limited assistance from the provincial Solicitor General's department, but kept control of the process. This meant that the Agency chose which cuts should be made although it allowed some state input into the process.

When the potential $600,000-plus deficit was found, Ed Smith was alerted by one of the senior managers and returned early from his vacation. Cutbacks had to be made immediately to reduce the possible damage and to placate the bank. A meeting was held the next day with the bank. Ed recalled:

> We went to the bank, explained what our plans were. We left, the bankers were happy, they were smiling. I shook their hands...[the financial administrator] said, 'Gee, I would never have done it that way.'...I said, 'I am really shaky and uptight inside, but I have to show them I have confidence in my ability as well as this organization to resolve the problem. I also have to have confidence within myself to convince [a provincial manager] that they have to pick up the deficit that they are responsible for, and the guts to go tell [a private foundation] who are mad at us [about the carry over of the deficit] from four years ago. (Interview April 4, 1991).

A loan agreement was signed. The provincial Solicitor General's department was approached for assistance and gave it, both financially and by providing guidance in

making cuts and funding the position of the financial administrator (Conversation, Staff member, March 14, 1991; Provincial manager, December 9, 1991). A Provincial manager pointed out that the Solicitor General had a stake in the Agency because it was providing "a very large service" to the department (Interview, December 9, 1991). Ed described his attitude in handling the crisis as "aggressive," or one of taking control, and that this was important to maintain the respect of the Bank and of the Solicitor General's department (Conversation, September 3, 1991).

The senior managers negligent in briefing the accountant were chastised and discussions were begun about possible early retirement for them. The feelings of betrayal and distrust among the managers had to be dealt with (Ed Smith, April 4, 1991; Conversation, September 3, 1991). Problems in organizational culture didn't receive a great deal of attention because of the more immediate financial crisis. Some responses began to appear later, however (see Chapter 7). One manager was assigned the task of quickly determining where cuts could be made. More programs were terminated. The provincial prison liaison program was ended, as was the remainder of the probation supervision program. The training program which was funded through the allocation of a percentage proportion of all program budgets, was cut to one manager/trainer (from four staff). Some of the core programs suffered; positions were cut in the family courtwork programs and vacant positions in the criminal courtwork were not filled (but also not cut). Further cuts of about $100,000 were made in administration, travel and equipment budgets. Lay-off notices were given to a number of staff outside of the terminated programs but they were not let go (Senior managers meeting minutes, January 8, 1990).

As a long-term measure, the computerized financial management system was used to shorten the annual budget planning process to 2 weeks, and middle managers were given more responsibility for monitoring budgets for their areas (Staff member, November 27, 1991; Conversation, staff member, February 12, 1992).

By the end of 1991, the Agency was reduced to a budget of $6.2 million from $7.2 million in 1989[34].

A structural reorganization was suggested in January, 1990 and completed by May (Senior manager meeting minutes, January 22, 1990; May 23, 1990). The program director who perceived the deficit to be a crisis and acted on it, was promoted to a more senior position where he was given overall responsibility for the Agency's financial affairs. By early 1991, the Agency had eliminated all but $20,000 of the $600,000 debt (Staff member, November 27, 1991).

This financial balancing occurred despite the further cuts the Agency was asked to make in its 1989-90 and 1990-91 budgets. The Agency's reaction to this, as recorded in the minutes of a senior management meeting, was to continue to protect its core programs: "We are not going to cut any more courtworkers—we would have to cut six courtwork positions to meet their demands. We just can't and will not do it." Ed Smith reiterated at a later meeting, "We don't touch our front-line positions until the very last resort." The Agency

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34. It should be noted that, although the budget decreased by 1 million, the number of staff (permanent, temporary and contract) increased from 110 to 135. This was likely the result of the cutting of program costs associated with running institutional facilities and the filling of positions that had been left temporarily empty.

was concerned that the cuts in services and the restructuring (and subsequent communication difficulties while the new managers settled in) had hurt the Agency's legitimacy "with funders, communities, people and staff" (Senior managers meeting minutes, July 6, 1990; Executive managers meeting minutes, February 25, 1991).

The Provincial Solicitor General's department picked up some of the services that the Agency cut, including probation supervision, the Elders program in provincial institutions, and provincial prison liaison officers, although the duties of the latter were changed a great deal (Provincial manager, December 9, 1991). The Agency was aware that these were programs that the state might be interested in taking over (Personal recollection) and may have chosen to cut them knowing that the Agency might lose them eventually.

The Agency anticipated that further cuts would be forthcoming after 1991 because of announced provincial government austerity measures. When questioned, a senior manager speculated that the support programs would be cut next, if necessary, rather than further damaging the technical core of the Agency, or as he expressed it, the court programs are "the cornerstone of everything that was done here." Also, the court programs were partially funded by the federal government which was not making funding cuts, and it was suggested that it is easier to argue to save a field position than a support position (Staff member, November 27, 1991; Ed Smith, November 18, 1991).

As suggested by Cameron et al (1987:236), an organizational decline, even a short one, may have functional aspects for an organization. The Agency and the provincial funders both assumed that the services of the Agency had become more efficient (Staff member, May 12, 1987)[35]. The Agency also believed that administrative expertise had become evident and that the Agency's goals were being re-evaluated (Agency History, Chapter 3). A provincial manager thought that the cutbacks brought out the "ingenuity, the imagination" of the staff, and increased productivity (Interview, July 31, 1987).

Ed Smith later remarked that the Agency had "scared the Solicitor General's department," not only because it had survived the crisis, but because of the methods it had used (Personal recollection). The Agency took control of the process, and made some effective though relatively ruthless decisions. I interpreted Ed's use of the word "scared" to mean that the Agency's actions may have caused concern among state managers that the Agency would prove less cooperative in the future.

The state's haste in taking over the programs cut by the Agency showed not only the essential nature of the criminal justice niche they had come to occupy, but that, in all likelihood, the state anticipated problems with legitimacy if the programs ceased due to state funding cuts. The haste with which these programs were taken over could also indicate a growing discomfort by state managers with the increasing power of the Agency. This will be discussed further in Chapter 7.

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35. As far as I know, no empirical evidence for or against this perception exists, nor for the improved productivity mentioned shortly.

CONCLUSIONS

A number of conclusions arose from the analysis, revolving around: the effect of competition on selective resistance, the use of funding by the state to gain legitimacy and control Aboriginal groups, the use of culture as a political instrument, the conflict between innovation and bureaucratization, organizational competence as an instigator of control efforts, the disadvantages of mutual dependency, the conflict between Native and non-Native organizational cultural values, and the changing role of leadership in innovative organizations.

I concluded that increased competition lowered the possibility of selective resistance to client demands. The Agency was under pressure not only from the state but from the Native communities because of their increased politicization and cultural revitalization. Both groups wanted more services and, in order to maintain its legitimacy with them, the Agency had to comply. Because of its organizational maturity, the Agency was able to take advantage of a rather hostile funding environment, and grew rapidly. At the same time, it frequently over-extended its financial resources and personnel, causing a great deal of internal turbulence. This over-extension led to a crisis after the economic recession hit and the Agency's accumulated deficit put the Agency's credibility with the bank on the line. As an aside, I am suggesting also that mismanagement by this Native organization, which was seen as one of the most financially responsible in the province, might well have reawakened the "social junk" reputation haunting Native organizations.

Because of changes in the environment, such as new legislation and changing Native offender demographics, the state was under a great deal of pressure to maintain its legitimacy not only as the provider of services to an increasing number of Native offenders, but as the governor of Native peoples. I concluded that the continuing "partnership" (mutual dependency) between the Agency and various branches of the state assisted these branches of the state to prove their commitment to Native self-determination and Aboriginal offenders. It was also a way of bringing other state programs into Native communities. The small pots of money these branches of the state periodically released to be used for new Aboriginal criminal justice services was also evidence.

I concluded that the funding pattern shown by the federal and provincial branches of the state raised questions, however, about the state's true commitment to assisting Native self-determination. Funding was faddish, short-term, sparse and instigated competition among Native (and non-Native) organizations. Native organizations also had to compete with new state programs such as Legal Aid and Duty Council.

The intent of state initiatives were also called into doubt by the controls attached to contracts, the application of inappropriate standards, and the inadequate follow-through for innovative programs. These state actions suggested an overall funding pattern: the state gave the appearance of support by providing funding, but the manner in which this funding was given sabotaged the development of Native self-determination efforts. The provincial take-over of the services cut by the Agency suggested this as well, that is, that the state needed to keep up an appearance of providing Native services but no longer wanted them provided by self-determined organizations. To accomplish this, funding was manipulated in such a way as to get control of the programs. The state was also beginning to hire Native staff directly, thereby developing a variation of the "conversion by contract" strategy it had

already adopted (see Spitzer, 1975).

I concluded that Native culture may have become an instrument of politics. Legitimacy was still an issue for the Agency even though managers stated that it wasn't. The Agency's concern with salary parity was likely an indicator of this in that parity may not only have been seen by the Agency as equal pay for equal work, but as a symbol of the Agency's legitimacy within the system. One reason for a continuing need to establish legitimacy may have been that the Agency had done too good a sales job on its technology. Native cultural programs were now looked for by funders, and the Native communities wanted the Agency to be more obvious about its "Indianness." I concluded that Native culture likely assisted the state to enhance its legitimacy, since it could point to the obviously "Indian" aspects of its contracted programs. The concern of state managers that Native organizations were "social junk" seemed to have faded away by the mid-1980s. What had once been an obstacle to legitimacy with the state was now partly the basis of legitimacy.

I concluded that the Native cultural aspects of programming were still needed to keep legitimacy with the Native communities and the Elders since funding cuts had hurt the Agency's legitimacy in the communities. There may have been concern also in the Native communities about the co-optation of the Agency's leadership in that many of the senior managers were either Metis or non-Natives.

On the other hand, the Agency seemed quite concerned that its programs not being seen as "too Indian," perhaps because this implied political activism or identification with the Native political organizations which could damage the Agency's apolitical stance. This implied political activism may be one of the reasons for the pressures from the Native communities on the Agency; a more "Indian" organizational culture might push the Agency into a more political stance and into the camp of the Native political organizations. By emphasizing some cultural aspects of its programs, but remaining politically inactive, the Agency selectively resisted these pressures. As well, Agency managers were concerned that rapid growth may have led to decreasing support from the Native political organizations which had begun to perceive the Agency as a power in the Native community and, therefore, competition, albeit not overtly political competition.

In the same way, state managers expected the Agency to become more bureaucratic and "accountable" so that compliance also was necessary here to maintain the Agency's legitimacy. Accountability through contracts and the imposition of standards and policies may have been a way for the state managers to ensure that the Agency remained within the state's camp. Even so, there was an effort made by the Agency not to be seen as too bureaucratic.

Another conclusion was that innovation isn't able to stand up completely to bureaucratization if the innovation has its roots in a less formal, more egalitarian consensus-oriented culture. As the Agency complied with state standards, its programs lost many of their Native cultural aspects, their innovativeness, and likely their legitimacy in the eyes of the Native communities. It is ironic that state managers were quite happy with the "compatibility" of programs that the Agency thought were losing their innovativeness. In these cases, the Agency did not offer enough resistance to the state. A staff member mentioned noticing a "fading excitement." This was likely an indicator of the end of the Agency's original innovative phase.

I found that the structure and operation of the Agency contrasted strongly with the classical conception of a bureaucracy described by Weber (1946:214) in the following terms: "Precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal costs..."

The role confusion, informal consultative management style, and distaste for paperwork (among other features) found in the Agency contrasted sharply with this description. More important is the contrast between the impersonal side of bureaucracy and the informal "personal" culture of the organization. According to Weber, "The more the bureaucracy is 'dehumanized' the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational and emotional elements which escape calculation" (Weber, 1946:216). This contrasts sharply with the presence of family, story-telling, prayers and so on that characterized the Agency even in its later years, as it became more bureaucratized (that is, more formally structured, more ruled by policies and more reliant on documentation).

I concluded that the Agency was developing a new structure and culture that was part "Native" and part bureaucratic. The Agency had also adopted a more hierarchical and centralized structure; that is, there was more emphasis being put on the development of its strategic choice and managerial subsystems. Native cultural elements such as informal communication and consensus decision-making still existed, however. Some native cultural aspects were used as managerial tools to assist in integrating the organization (e.g. informal communication, a Native identity). This structure had two functions. The first was the more obvious one of increasing legitimacy, as discussed above. The second was to provide alternative sources of resources so that, for example, problems of "Indianness" could be deflected by pointing to bureaucratic needs, and problems with bureaucracy could be deflected by pointing to "Indianness" needs.

There was an internal perception of bureaucratization and Native culture as antithetical, as were professionalization (or "business") and "family" (or harmony). Yet the Agency seemed to be trying to synthesize all of these to develop an "in-between" culture that incorporated elements of Native and non-Native, and bureaucracy and "family." The goal seemed to be to reach a cultural and structural balance between all of these, so that Agency staff and environmental actors, Native and non-Native alike, could identify and work with the Agency.

I concluded that the Agency may have become more bureaucratized and lost some of its Native culturally-based structure and organizational culture, but that this was compensated for by its in-between status. The "Nativeness" of the Agency was a vital element of this survival strategy.

As a secondary point, this ideology made conflict of interest, ideally, an impossibility from the Agency's point of view since all would be working in harmony to provide effective client services. As with in-between status in general, the question is whether or not such a position is viable if one of the actors (the state) is more powerful than the other two. This question wasn't answered by the research.

The Agency seems to have become more activist nevertheless during these years, although none of its actions could be labelled overtly "political." It fought for wage equity for its staff and it defied state funding cuts aimed at its core programs. Agency representatives also spoke frequently at conferences and to task forces about Aboriginal

peoples and the criminal justice system. The organizational skills of its staff were also becoming apparent, especially in the handling of the financial crisis where selective resistance in terms of controlling the process was quite evident. I concluded that, while these indications of Agency competence and autonomy likely increased Agency legitimacy, they may also have made some state managers uncomfortable and escalated control efforts by the state. This is pursued in Chapter 7.

I concluded that mutual dependency can be a disadvantage during times of economic recession if one of the partners has more power than the other. Turbulence within the Agency increased after the economic recessions hit. The pressures for services from the state and the Native communities didn't slacken, but the means of responding to them faded away. Because of its fund-raising expertise, the Agency was able to keep up a high level of services for a number of years afterward, but only at the cost of adding to organizational over-extension. The mutual dependency with the provincial Solicitor General became a disadvantage when the Solicitor General made arbitrary funding cuts that the Agency had no power to fight. It is likely that in phase one of the Agency's development the state was mainly concerned with control and legitimacy in the Native communities but, after the recessions began, it became more concerned with control and legitimacy with the voting public. Based on its long time relationship with the department, the Agency was able to do some negotiating so that it was able to protect the courtworker programs (although even these were affected to some point). In addition to being the technical core of the organization, these were the programs with the greatest legitimacy and the most stable source of funding since they were cost-shared with the Department of Justice. (Sentimental reasons also likely played a role.) It should be noted that the federal Department of Justice didn't make funding cuts to the program. Because the organization had over-extended itself it went into a short period of decline where it was blind to the financial problems presented by the deficit and inadequate management.

I concluded that the resolution of these problems showed not only that the Agency had learned its bureaucratic lessons well, but that it was beginning to synthesize bureaucracy with Native cultural organizational aspects. It is likely this occurred for a number of reasons including, the need to reassure state funders and Native communities and the need to develop a new ideology that made Agency staff more comfortable with their roles and increased their loyalty.

Because of internal and external changes, neither a predominantly Native structure and culture, nor a predominantly bureaucratic structure and culture, were likely to enhance organizational survival. A synthesis was needed.

Along with these changes, the role and impact of the founder had changed. While he was still part of the response, he was not the only actor. Other senior managers played vital roles. The increasing size and bureaucratization had removed the founder from contact with front-line and new staff. This also hastened the drift away from the original intent and ideals of the programs, as did the pressures for change from the environment.

As in the first two analyses, there was some problem with the application of critical criminological ideas. They were useful in explaining state pressures on the Agency for increased services, that is, for legitimation and for the increasing need to control the problem population of Aboriginal offenders and Native political organizations. There were problems, however, in accounting for state pressures that led to the loss of the "Native"

innovativeness the state needed to secure its legitimacy. This is perhaps where Rodger's critique of Spitzer's framework is appropriate: the operation of social control mechanisms, as found here, were quite sophisticated (but still not explainable). More appropriate answers, in terms of organizational needs to control valuable resources, came from the social organizational framework.

The racial origins of the Agency were also of concern here, specifically in terms of the organization's Native cultural aspects and their conflict with state bureaucratic "culture." The use of Native culture instead of class as a rallying point by the Aboriginal political organizations is also an issue. Neither of these can be easily accounted for by critical criminological ideas, except perhaps, indirectly, as the manifestation of dominant versus subordinate ideologies.

The overall pattern arising from this 1989 snapshot of the Agency was that the relationship among the three groups—the Agency, the state, and the Native communities—was beginning to change, and that the change didn't look favourable for the Agency.

CHAPTER 7: STAGE 4: 1990-91

The main socio-historical context of the difficulty in 1990-91 was Aboriginal self-determination. As self-determination became a national issue and pressure on the state mounted, the various branches of the state revised their strategies for dealing with Native people. In the criminal justice administration area, these focussed on controlling the efforts of the reserve-based political organizations as they began to establish services. State legitimacy was more at stake than ever, as was the legitimacy of the Agency which had to compete with these new organizations. Agency support in the Native communities began to wane. Being a Native-run, community-responsive organization was no longer enough for the Agency to maintain its legitimacy; it was not community-based in keeping with the ideology of decolonization. Native self-determination, therefore, threatened the long-term viability of the Agency. Short-term organizational decline occurred. Organizational adaptations to these changes were still being developed when the research ended.

The socio-historical context of self-determination, the obstacles to survival that developed, and the Agency's emerging responses to them will be described. A section on conclusions completes the chapter[1].

SOCIO-HISTORICAL CONTEXT

The socio-historical context, while it centred on the development of the self-determination movement among Aboriginal groups, also had a number of other aspects, including changes in the characteristics of Native criminal justice clientele, changes in legislation, and the impact of the recession. The environmental turbulence that characterized the 1989 crisis had not subsided, but showed indications of becoming worse. Environmental hostility was also increasing.

SELF-DETERMINATION

Since its beginning, the Agency had been dependent on Native communities for staff and clientele. The Agency might provide services to members of the criminal justice system and the non-Native community, but its main clients were Native individuals and Native communities. Over the years the Agency continued to base its services on the needs expressed by Native communities. Many of these services were related to community development, although the organization did not have community development as a specific goal when it started:

> ...the organization was involved long before it knew it was involved. Only in

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1. I left the Agency in 1988 so that, while some personal recollections were possible, the main part of the data comes from contemporary interviews and Agency records.

> the last few years has the agency gained the perspective it needed to see where it could be going. Without realizing the pattern it was weaving, [the Agency] began to orient its programs towards development of Native individuals and of the Native community within only a few years of its start-up. Now, all of [the Agency's] programs emphasize development. (Agency History, Introduction).

This goal did not mean the Agency was unaware of community ambitions. An early Agency document stated that the Agency "also contributes to wider aspirations for Native people as they seek to establish goals for themselves." (Agency annual report, 1972-73). Staff assisted other groups in writing proposals, organizing community action and negotiating funding[2]. They also assisted the development of Native programs by self-help groups inside correctional institutions (Staff member, November 18, 1987). Agency staff sat on a wide variety of planning committees and advisory boards (e.g. Staff members, November 18, 1987; June 4, 1987; April 22, 1987).

The Agency described its community development philosophy as based in the community's need for crime prevention, and as beginning with the individual. Ed Smith explained the first point as follows: "It's a minor goal that turned into a major goal. We were concerned about getting the Native people out of jail, but we found that getting them out of jail wasn't the only thing..." (Interview, June 10, 1987). The second point the Agency explained as follows: "[The Agency] believes the most effective route to community development is to assist the individual members of a community to develop work and personal skills that will enable them to serve their own community in whatever capacity they and their community see fit." (Agency History, Chapter 13). According to Ed Smith, "There is the personal development angle, too, that is important. You can throw money at people like Indian Affairs did for years, but if people can't handle it, what the hell are you going to do? You need something more." (Interview, June 10, 1987).

In 1985, the Agency developed a program to develop programs for other groups, especially in the child welfare area. Components of this program were: a community needs assessment, the development of community involvement, program development, community education, support, and resource and job creation. One worker was hired but the program ended when no funding could be found (Agency History, Chapter 13). In 1990, the Agency stated, "It is essential that the communities have more input, and in some cases more control, of Criminal Justice programs. The largest barrier that prevents this from happening is the communities [sic] apparent lack of knowledge of the functions or management of such programs." The Agency proposed that it had the expertise and willingness to train staff and design and supervise the development of new programs to meet the needs of Native communities (Agency response to provincial task force report, 1990).

Early in the Agency's history, program development was often done as part of a cooperative effort with other Native groups, as was the case with the alcohol programs. In the early 1980's, partly as the result of the outright theft of several Agency proposals by

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2. As head of the research department, I was, for example, "lent out" to a Native women's organization, a senior citizen's group and to a Native writer to assist them to write proposals for new programs or a new book.

other Native organizations which were rewritten (although sometimes not even that) and put into competition with Agency proposals, and partly as a result of a move towards retrenchment and introspection, the Agency avoided most such ventures. There were also cases in which Native organizations attempted to involve the Agency as a supporter of a new program without being "open and above-board" with the Agency (Staff member, May 6, 1987). In at least one case in recent years, a staff member left the Agency to set up another organization that not only competed with the Agency to provide a service previously developed by the Agency, but won the service contract (Senior management meeting minutes, May 23, 1990).

As a result of these difficulties, the Agency, when responding to community needs, insisted on controlling the program development process and maintaining control of the program afterwards. In the late 1980s, as the self-government movement gained more power and as the Agency started to suffer funding cuts, the Agency became more open to joint ventures, beginning with several youth crime prevention programs in the northern part of the province. Once again, the communities requested that the Agency develop the programs, but unlike the earlier ventures, it was made explicit that the Agency would turn the programs over to the community as soon as they were fully operational. These communities were new at program development and saw the Agency's legitimacy with funders and expertise in program development as resources they could use (Ed Smith, April 4, 1991). An Agency manager reflected the Agency's philosophy concerning this "brokering" role, when he said, "I don't think it is fair to dump programs on Native communities. Somebody has to be there and assist them until they can sort of walk with the program" (Interview, May 20, 1987). The political tide within Native communities was beginning to be such that no other alternative than eventual control would meet with the cooperation of political leaders. The Agency was not anticipating the extent of the services the local political organizations wanted to take over. In the mid-1980's, for example, the Agency had begun to discuss the transformation of the rural courtworker role into an even more generalized role, in that the courtworkers would provide not only court services and some probation and parole supervision, but would operate crime prevention and parenting skills programs as well (Staff member, May 20, 1987). These plans were derailed by the bands' self-government aspirations.

The Agency became involved in a total of three joint programs with Indian bands, all of them in the area of young offender services and crime prevention services for young people. The funding crisis and state cutbacks in funding for new programs led to the end of these initiatives. Only one of the programs was close to reaching the stage of being turned over to the community before money ran out.

Despite the Agency's intentions to eventually give over control of these programs to Native communities, Agency staff members admitted there was some reluctance to do so primarily because of the possible reflection on the Agency's legitimacy (Conversations, June 18, 1991; August 27, 1991; September 13, 1991). Ed Smith explained these contradictory feelings as follows:

> I feel it's easier for a well-established, credible organization to do the things rather than having to start all over again. As a result I get quite possessive of some of the things we do. Because I feel—and I suppose it's carried over from

> my baseball days, that I used to just wish that if it were a crisis situation that I was either coming to bat or somebody was going to hit the ball to me. I had confidence in myself that I would do it." (Ed Smith, April 7, 1987).

While the Agency was becoming involved in these initiatives, the environment was becoming increasingly hostile in that several tribal councils across the province were venturing into the areas of education, social services, protection services (policing, ambulance, fire), and, eventually, correctional and court services. In 1990, a band in the southern part of the province asked the Solicitor General for one of the Agency's forestry camps. The Agency reluctantly prepared for the take-over but the band withdrew at the last minute because it did not like the terms of the contract with the Solicitor General's department. The band was also afraid a relationship with a provincial body would interfere with self-government negotiations (Interview, Ed Smith, February 28, 1991; Solicitor General manager, December 9, 1991)[3]. The band made clear that its withdrawal was only temporary and that they would come forward again. Another band in the south, in cooperation with the provincial Solicitor General's department, built a community correctional centre on the reserve (Provincial Solicitor General department press release, June 14, 1991). An Agency staff member reported having heard of "at least five" groups developing plans for their own criminal justice system services (Conversation, June 18, 1991). As well, some Native political organizations publicly stated that they wanted more control over programs in urban areas (e.g. Fort Jones newspaper, February 13, 1991).

These initiatives concerned the Agency, not only as possible sources of competition, but as affecting the Agency's monopoly legitimacy, as mentioned earlier. The Agency was afraid that the bands might not be able to provide the support and training needed to meet state standards of service. Problems resulting from this could reflect poorly on the Agency, since many members of the Native community held the Agency responsible for all Native criminal justice services in the province.

This Agency concern changed to a real difficulty when two communities decided to become involved in court services, in effect endangering the Agency's core programs. The provincial Solicitor General's support of these initiatives escalated the crisis, as discussed later.

At the societal level, the state was faced with certain disadvantages in attempting to control Aboriginal peoples, not only in terms of managing the over-representation of Native offenders, but also in dealing with the politics in Native communities. In the provincial context it was no different. According to one senior Solicitor General manager: "...with respect to Native politics we're basically not very well experienced...and we have a

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3. According to a Solicitor General senior manager problems originated in conflicting political agendas among reserve groups. Some groups were for the take-over; others were afraid a contractual relationship with the Provincial government would affect self-government negotiations at the federal level. As a strategy to overcome these political conflicts the Solicitor General set up separate societies with which to contract for services. Chief and band councillors could be members of these bodies, as could other community members. Provincial Solicitor General staff were also on the committees to give "early warning to try to avoid a [political] situation" (Interview, December 9, 1991.)

tremendous problem in trying to understand the reasoning behind some of the things they [Native political groups] do." (Interview, December 9, 1991).

Native awareness or cross-cultural training courses for non-Native staff were implemented by the various branches of the state, but the ability of these courses to adequately sensitize staff was questioned (Provincial task force, 1991:2-38). Various branches of the state also tried, but largely were unsuccessful, in hiring and keeping Native staff (See Chapter 6.) (Solicitor General senior manager, Interview, July 31, 1987). Finally, the state in general also had to overcome a legacy of paternalistic, assimilationist policies (as discussed in Chapter 2) that had led to uneasy relations with Native communities.

At first, the provincial Solicitor General's department (and other state branches) depended heavily on the Agency and its staff to provide information and services normally, but ineffectually, provided by the state. As one senior Solicitor General manager recalled: "We see [the Agency] as a partner in our mandate...we have contracted out a piece of our mandate to them with respect to the Natives in conflict with the law. This is the reason we fund it, because otherwise, we would be funding it [Native programming] ourselves within our own Department...we feel it makes more sense, and, hopefully, over the long-term it will prove to be more effective by having a Native organization such as [the Agency] involved". (Interview, July 31, 1987). This reliance of the state on the Agency must be seen in the context of the state's general reluctance to support the development of completely autonomous Native structures (Griffiths and Verdun-Jones, 1989:550-1) and its need for maintaining its legitimacy.

By 1989, the Solicitor General's department, for reasons to be discussed shortly, began to implement a series of "Native initiatives" which began with the hiring of a Native Advisor. This move greatly increased the unpredictability of the Agency's environment. The initiatives were aimed at encouraging and assisting in the development and importation of new criminal justice service technologies on the reserves, and included crime prevention, community corrections supervision, correctional institutions, Elders' services, and courtworker services (Provincial Solicitor General department press releases, November 8, 1989; August 1, 1991). As well, the Department assisted in the development of safe homes for individuals on judicial interim release, diversion from court, and alternative measures. It should be noted that these advisory and developmental roles were roles that the Agency had previously filled.

The technologies used in these Native initiatives were quite similar to those used by the Agency in its developmental projects, although the Agency's standards were different, according to Ed Smith (Conversation, September 11, 1992). Solicitor General staff worked with Native groups to discuss possible projects and "assess whether or not they are at a stage or have the human resources to properly deliver the service and meet the same standards as the Solicitor General would"; assisted in the development of the project; provided training concerning Solicitor General standards and policy; and then monitored the project "...for a period of time until the staff are properly oriented...we don't fully back away, but we create considerable distance as our comfort level raises." (Provincial manager, December 9, 1991). Despite these actions, support was not provided in other essential areas such as job training, according to Ed Smith (Interview, November 18, 1991).

These initiatives were primarily aimed at local land-based, political groups, that is, bands to assist them in the take-over or development of criminal justice services (Conversation, Staff member, May 7, 1991; Provincial Solicitor General press releases, November 8, 1989; June 14, 1989; August 1, 1991). These groups were becoming more politically active and demanding as self-government initiatives gained momentum. Because the majority of criminal justice services already operating in the Province were developed and operated by the Agency, this program could be seen as being both in direct competition with the Agency's interests, and as complementing Agency goals, since the initiatives provided assistance to Native communities in reaching their developmental goals. As a result of this competition the working accommodations between the Agency and the provincial Solicitor General's department changed so that informal communications decreased, as did the services provided by the Agency to the Department.

The state also appointed a task force in 1990 to investigate the impact of provincial criminal justice services on the Native population. This task force made its report in early 1991, but its recommendations were still under scrutiny by the Provincial government in December, 1991. Part of the task force's mandate was to review the operation of the Agency and its working relationships with other criminal justice and Native organizations. The organization lost its invulnerability to questioning (Baum and Oliver, 1991:189). The majority of the information received by the task force concerning the Agency came from the Agency itself or from regional and provincial Native political organizations, most of whom criticized the Agency for its lack of "public accountability." While remarking that the Agency: "offers perhaps the most successful assistance to Aboriginal subjects of the criminal justice system, and to the administrators of that system," and commenting that the Agency's "ground-breaking efforts make it the 'Elder' service in [the Province]," the task force supported most of the criticisms of the political groups (Provincial task force, 1991:7-1, 7-2). It suggested that "despite the success of [Agency] programs, there is a growing sentiment that perhaps the time has come for a significant shift in direction," and recommended that: "the government and the criminal justice system view [the Agency] as only one of many potential sources of information, assistance, and service to Aboriginal people." (Provincial task force, 1991:7-4, 7-5). The task force, therefore, openly encouraged competition with the Agency likely as a means of winning support from the Native political organizations, and by doing so, decreased the Agency's legitimacy.

A final important historical factor was the state's appointment, in April, 1991, of the Minister who served as the Provincial Solicitor General (an individual of Metis origin)[4], as the Minister responsible for Native affairs. At this time a number of Native service units from other provincial departments were consolidated under his authority. These included a Native services and a land claims negotiating unit from the Attorney General's department, and a Native services unit from the municipal affairs department. Commenting on these changes, the provincial task force recommended that a separate Minister of Indian and Metis Affairs would be a better alternative, or failing this, that a separate Cabinet committee or Commission be appointed to allow higher level access for Native organizations[5]. There

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4. This person was replaced as Solicitor General in spring, 1992, but kept his Native Affairs portfolio as part of his municipal affairs portfolio.

5. This is not as bold a recommendation as it seems at first blush. It was first

appeared to be some fears among task force members that this centralization of control in the hands of one Minister would limit Native access to decision-makers and thus decrease their access to power. With the same Minister having budgetary approval for all these units, the sources of funding for Native organizations (such as the Agency) might also diminish.[6]

These changes in state orientation toward the Agency likely had a number of causes. First of all, the provincial Solicitor General's department professed unhappiness with the development process followed by the Agency. As one Solicitor General manager expressed it, the Agency's commitment to Native self-determination "has been somewhat slow in coming," an accusation Ed Smith was vehement in denying. Ed Smith pointed out that some Native bands will not ask for developmental assistance because that would mean admitting that there was another Native group more knowledgeable in the area or that was more capable of doing the job. Admittance of inadequacy was therefore a political problem (Conversation, Ed Smith, September 11, 1992).

A second cause may have been the previously mentioned political pressure on the state from the Native political organizations and the reserve communities. They wanted to take more control over criminal justice services, and rather than give them control of state-operated services or creating new programs (at a time of fiscal restraint), the state tried to reallocate Agency funding to these groups. A third cause may have been a hostile personal relationship between the Agency and two Solicitor General managers based on past interactions (Personal recollection).

A fourth cause may have been the discomfort of state managers with the Agency's growing organizational abilities and autonomy, and the undeniable general respect it garnered as reported by the provincial task force. By taking away Agency funding and positions and supporting the land-based communities, these officials may have been hoping to weaken the Agency or, at least, to reassert a greater degree of control over it. The Agency's open defiance regarding the further cutting of courtworker positions resulted instead.

The result of self-determination initiatives in the Native communities, then, seem to have been a transformation in the working accommodations among the Agency, the local Native political organizations and the provincial Solicitor General's department. The Solicitor General began to rely on the Native political organizations for services previously obtained from the Agency and, as a result of the Agency's negative reaction to this, working relations became less friendly, informal, and cooperative. The Agency's relations with the Native communities became more of a focus for the Agency, as it attempted to

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suggested and supported by the Attorney General and several powerful Aboriginal leaders.

6. The Provincial Solicitor General's department was not the only criminal justice department responding to the Aboriginal offender characteristics and self-government initiatives. The mandate of the Correctional Service of Canada, for example, soon included specific reference to providing services to Native inmates, something not present twelve years ago (Nielsen, 1990), and it began a number of programs in the Province, two of which were or could be in direct competition with the Agency for clients. One minimum security correctional institution was built in the southern part of the province and there were plans to build a second in the central section. These will be aimed at the same clientele served by the Agency's minimum security facility in Fort Jones.

recoup ground taken by the Native political organizations. This transformation was to the Agency's short- and perhaps long-term detriment for, as a Solicitor General's department senior manager speculated, the role of the Agency in the future would be "less than it had been over the past years". He saw it as being one mainly of providing training for community criminal justice groups and operating criminal justice services that the communities didn't want to operate (Interview, December 9, 1991). These changes, then, had the potential to cause changes in the Agency's service domain, which Singh et al. (1986a:607-8) classify as "core changes." As such, they could well have serious repercussions on organizational survival.

CHANGES IN NATIVE CLIENTELE

The environment was becoming more heterogeneous in that more factors were impinging on the Agency's operations. Native involvement in the criminal justice system was increasing and showed every indication of continuing to do so (*Forum*, 1989:6). As well as increasing in number, inmates were changing in type (McCaskill, 1985). Their place of origin also was changing (Task Force on Aboriginal Peoples, 1988:25). Native people being incarcerated were more likely to come from urban areas and to commit crimes more like those committed by non-Native offenders. A provincial task force (1991:1.87) found that many Native offenders lived in large or small urban areas (compared to rural areas), including 36% of registered Indians, 55% of non-registered Indians and 46% of Inuk. These factors meant changes were needed in the type and location of services being provided by the Agency. As suggested by Singh et al. (1986a:607-8), these were likely peripheral changes, however, and not likely to have serious impact on the Agency.

CHANGES IN LEGISLATION

The Young Offenders Act, with its emphasis on due process, accountability/ responsibility, and deterrence through punishment, led to an increase in the number of young people incarcerated (Leschied and Jaffe, 1987), among whom Native young people particularly were over-represented in the Province (Provincial task force, 1991:8.57). The Constitution and Charter of Rights produced more than the recognition of the special status of Aboriginal peoples; they also granted more rights to Native (and other) offenders thereby putting pressure on the criminal justice system, the state, and the Agency to ensure fair and equitable treatment[7]. (See also Chapter 6).

In response, the Agency suggested programs for Native offenders such as the Elders' program in federal and provincial correctional institutions. Under Section 15 of the Act, seemingly neutral legislation such as the Parole Act could be challenged because it had

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7. The Constitution states, for example, that inmates have "all the rights and privileges of a member of society, except those that are necessarily removed or restricted by the fact of incarceration." (Correctional Law Review, 1988:38). These included the right to vote and religious freedom.

a differential impact on Native and non-Native offenders[8]. Native parole supervision programs were established partly in response.

These changes in legislation contributed to changes in the relationship between the Agency and the state. According to the Department of Justice, for example: "The principle to be respected in the federal/provincial Native courtworker agreement with [the Province], as with other jurisdictions where the program is implemented, relates to the availability of courtworker services to provide equal access to the law. For the Department of Justice and the federal government, this has new significance as of April 17, 1985, with the coming into force of Section 15 of the *Charter of Rights*" (Correspondence, September 11, 1987). Changes in legislation over the 15 years led to increased pressures for special Aboriginal services by the state. Whereas before services were provided at the discretion of the state, equal rights now were legislated. Where once programs were aimed mainly at control of problem populations, I am speculating that at this point effectiveness of rehabilitation, prevention, and so on became serious issues. (Alternatively, the costs of ineffective programs may have been becoming prohibitive.) These pressures were passed on from the state to the Agency and increased the mutual dependency between the two.

THE RECESSION

Canada went into a series of economic recessions beginning in 1982 from which it still had not recovered in December, 1991 (see Chapter 6). While this hostile funding environment led to cost-cutting measures which were implemented by all criminal justice organizations, the impact was particularly severe for non-profit organizations dependent on shrinking state funding. These changes also had additional indirect effects on the Agency as, first of all, projects developed by other Native service groups and some reserves were delayed or terminated (Miller, 1991a). Native groups were thereby given even more motivation to tap "new" funding sources previously used mainly by the Agency (Ed Smith, November 27, 1991). Secondly, the state changed its contracting process presumably to increase its fiscal responsibility. These new processes encouraged competition among Native organizations (Ed Smith, February 19, 1991). The Correctional Service of Canada (CSC), for example, began to follow a procedure by which all privatized services were tendered. As a result, programs developed by one organization could easily be taken over by another that submitted a lower bid so that, across Canada, for example, some Native organizations lost their prison liaison programs to non-Native organizations (Ed Smith, April 4, 1991)[9].

Respondents indicated that the majority of these non-Native organizations did hire Native staff to fill the front-line positions. Ed, however, felt that the CSC was not living up to its verbal agreement with the Native Advisory Council on Corrections that these services

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8. According to Hann and Harman (1986:5-15) the parole release rate of Native inmates is one third that of white inmates.

9. It should be noted that Native organizations often have higher overheads because of providing more extensive staff training and support than many non-Native organizations.

would be provided by Native organizations which are more capable of "providing a network out into the Native community." (Interview April 4, 1991). Ed suggested that the CSC was trying to pull Native programs back under its control and that this is "back to the same damn thing again where we develop...the philosophy and all the nitty gritty stuff...[and] once we educate them they feel like they can do it better and cheaper...and that is not the case." (Interview, April 4, 1991).

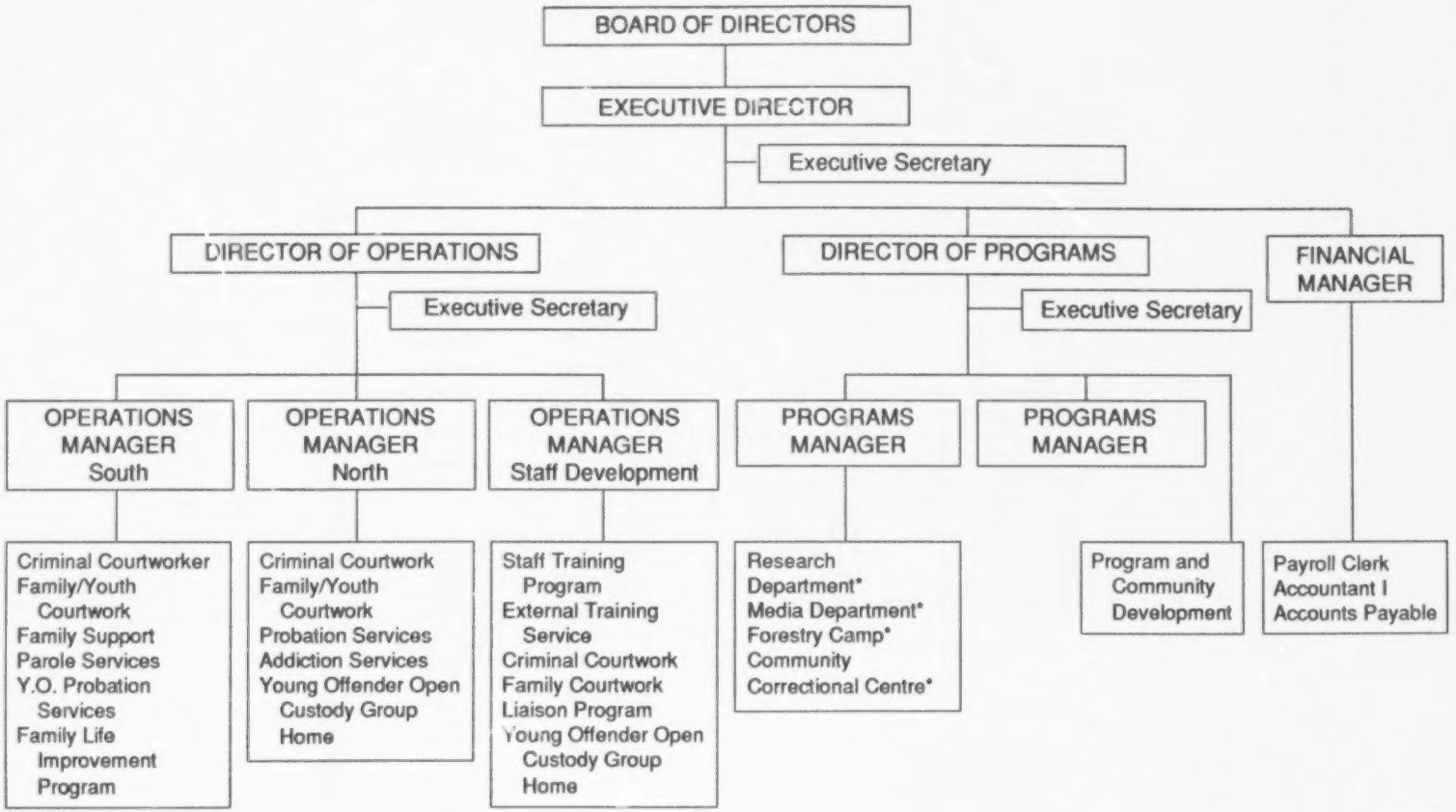
It was pointed out by another criminal justice system member that in the early 1970s, the state began to privatize justice services, such as probation and parole supervision, after a period of taking over these services from volunteer agencies (e.g. the John Howard Society). The respondent suggested that the various branches of the state used the terms of funding contracts to maintain control of the programs. The process of privatization was still continuing in 1991, but was working to the disadvantage of all the Native organizations, not just the Agency, as fiscal restraints encouraged the various branches of the state to put costs over Aboriginal self-determination.

The recession had severe repercussions for the Agency which had to cut its programs, not only because of the deficit (discussed in Chapter 6), but because of continuing state funding cuts. This meant, for example, that while the number of Agency employees had increased to 135 permanent, temporary and contract staff at the end of 1991 (compared to 110 the year before), the budget had decreased by 15% from 7.2 million dollars in 1989/90 to 6.2 million dollars in 1990-91. The Solicitor General's department still controlled 86% of the Agency's budget, including the portions supplied by the provincial Social Services department, Correctional Services of Canada, and the federal Department of Justice. Therefore, the dependency of the Agency on the provincial Solicitor General remained at the same high level.

As reported in Chapter 6, funding cuts mainly affected the Agency's youth services and correctional programs. Even the core programs, the family and criminal court programs, received cuts of 4% between 1989 and 1990, although these cuts were not permanent but were accomplished by not filling vacant positions. The departments and programs traditionally involved in community development activities—research, training and legal education—were all victims of the cutbacks. The research department shrank from 6 to 3, the training department from 4 to 1, and legal education workshops in the community were completely cut, although the legal education media department continued with reduced staff. Front-line staff, the primary resources to community groups, were forced to cut back on the "extra" services to focus on the court-related duties as described in the cost-sharing agreement.

By 1990-91, the structure of the Agency had changed slightly as a result of management initiatives after the 1989 fiscal crisis (see Figure 5). the assistant director position had been divided into two positions, with the primary difference in role between the two being that the director of programs was responsible for development of new programs and the director of operations was responsible for the maintenance of existing programs. Some overlap did occur, however, so that the director of programs was, for example, also in charge of two correctional facilities. The operations and program manager fulfilled much the same role as the previous program directors.

In short, the recession provided the Solicitor General with a rationale and an opportunity to cut Agency funding. It also led to increased competition for the Agency from



NOTE: *Operational Responsibilities of Program Managers

NOTE: This level as shown here includes both area supervisors/project coordinators and frontline staff. These are on 2 different levels of the hierarchy although it is not represented as such on this copy of the Agency's organizational chart.

Figure 5: Agency Organizational Chart, 1990-91

Native and non-Native groups as the provincial Solicitor General began to put costs ahead of its previous working accommodation with the Agency. This affected the Agency's ability to assist Aboriginal communities in the development of self-determined services and, in all likelihood, damaged the Agency's legitimacy with these communities.

OBSTACLES TO AGENCY SURVIVAL

The Agency slipped into the first two phases of decline: blindness (to self-determination) and inaction (in handling the threat). Both of these occurred quickly and action was being initiated as the research ended. The organization's survival was threatened by increasing competition in its main service domain. It was losing its monopoly and some of its legitimacy with the state and the Native communities. It took the Agency a short period of time to become aware of the seriousness of these problems and then to settle on strategies of action. The Agency might have been partly to blame for the loss of courtworker positions for, as Ed Smith explained: "People are getting a foot in the door because we've relaxed...it's a great thing to set up an organization, but the biggest challenge is to keep it operating at high standards." (Interview, February 19, 1991). Senior managers did not feel that the Agency's cutback in services as a result of the funding crises had had any direct influence on Native community efforts to take over services (Interviews, November 27, 1991) but there was a recognition that the Agency had been losing community visibility and that this might have cost the Agency some legitimacy. This loss of visibility was credited to involvement in crisis management, work overloads, reduced services as a result of funding cuts, and the increasing expectations of Native communities (see Chapter 6). According to the minutes of a meeting on July 9-12, 1990: "We have just come through some very difficult times as an organization...these concerned our funders and opened the doors to the community to question our credibility and quality of our service. Getting Back to Basics (sic) will help us re-establish our credibility in the community."

The Agency saw the loss of positions as serious, not only because it threatened the Agency's monopoly, but because such a loss affected the Agency's efficiency—an important concern during a recession (Romanelli, 1989:376).

The Agency's mandate was wider than services to land-based communities. Because of the increasing number of Native people living off-reserve and in urban areas (See Chapter 2), and the mobility of many Native people, it was the Agency's philosophy that a court service must have province-wide offices and a network of communication among staff[10]. In addition, a province-wide service was seen as the only efficient means of keeping costs down, ensuring standardization of services, providing staff training and other staff support services, accessing a wide range of community resources, and eliminating service inconsistencies based on historical hostilities between some of the tribal groups in the province. The Agency did not believe that localized services could provide the

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10. This "network" was based on staff participation in frequently-scheduled training sessions, annual meetings, and meetings in other communities; the distribution of the Agency newsletter; and the existence of a large (though shrinking) long distance telephone budget.

same quality and coverage of courtworker services and, therefore, that it needed a province-wide service domain.

In mid-1990, the Agency's monopoly was ended when a southern band asked the Solicitor General to give it the two courtworker positions that the Agency had established in their area. The Solicitor General did so with little advance warning to the Agency or to the federal Department of Justice which cost-shared the courtworker program's funding. A senior Solicitor General manager described the process as follows: "...basically what happens...is that we have to enter into discussions with [the Agency] and they basically turn over that piece of action to the Native group." The Department of Justice did not enter into these negotiations despite their 50% stake in the cost-sharing agreement. The Solicitor General manager expressed surprise that Justice should have a role in the process (Interview, December 9, 1991).

A few months later when a central Provincial band asked for one courtworker position, the Solicitor General's department also complied. The position was turned over in April, 1991.

The Agency protested, but was told that the department was merely being responsive to Native self-determination efforts. In late 1991, another potential loss of positions loomed. A front-line Agency staff member quit the Agency to work for a northern regional tribal council[11]. He was given the responsibility of designing a comprehensive criminal justice system for the region, including the provision of courtworker services (Conversation, Staff member, November 4, 1991). This area, along with Fort Jones, had long been one of the most important geographic areas for the Agency in terms of being an example of Agency services at their best and, therefore, a means of maintaining legitimacy.

It was suggested by several Agency staff in interviews that the Solicitor General's department's support for land-based initiatives was partly fuelled by a falling out between Ed and a key department manager, a situation exacerbated by a poor relationship with the Native Advisor (as mentioned earlier). Such a falling out may have been fuelled by the state managers' fear of Ed Smith's growing political power and the Agency's growing abilities (as discussed in Chapter 6). Agency senior managers supported this viewpoint with the suggestion that the lack of a controlled transition showed that effectiveness was not the main consideration in the department's actions. It was also the opinion of a senior manager that there was no need for the department to take these positions from the Agency, since the Agency's budget was "a blip" in the department's multi-billion dollar annual budget (Interview, November 25, 1991). When questioned, a senior Solicitor General manager emphasized that the Agency was no longer "the only game in town" (Interview, December 7, 1991). Ed Smith's response to this was that it might no longer be the only game in town, but it was the best (Conversation, September 11, 1992).

In Ed's eyes, the Solicitor General's department had capitulated to political pressure at the cost of effective services to Native clients (primarily as provided by the Agency). Ed stated: "I argued with them that they had no right to give up the courtworker program

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11. As a general observation, it should be noted that the hiring by bands or the state of ex-staff who left the Agency under negative circumstances has operated in the past to make any sort of rapprochement for the purposes of joint ventures between the groups difficult.

because they didn't create it, they don't fully understand it, and they didn't negotiate the cost-sharing agreement—I did all of that—and it isn't their mandate (they are funding it). But, really, because they don't understand the courtworker program enough...I have my own opinion why all this is happening...I accused [various members of government] of having a plan that all of the programs that are the responsibility of the federal government are going to be turned over to the province." (Interview, November 27, 1991). Ed saw land claims and self-government as tools used by the state to transfer federal responsibility for the management of Indian peoples to the provinces, since it is the provinces that control the land in question. By turning over services, including criminal justice services, to Native land-based communities, the state was hurrying along this long-term plan. In the short term, he speculated, the state set the priorities of transfer according to which Native community makes the most political noise. Such a change in sponsors for the program could prove extremely detrimental to survival. Singh et al. (1986a:607-8) found that a change in sponsors increased organizational, and, I would suggest, program mortality.

There was also a fear among Agency managers that the loss of positions to the bands would be seen by the Native communities as the result of the Agency "doing a bad job," thereby further hurting the Agency's legitimacy (Interview, November 27, 1991). The 1991 provincial task force, mentioned earlier, also displayed the potential to drive a wedge between the Agency and the Native community. The task force stated that, according to its information, "The agency is often viewed as having been conscripted by 'the system'..." (1991:7.1). Similarly, according to the task force, "There is a perception that the agency is not accountable to the Aboriginal community but rather to its funding source, the government" (1991:7.2). Finally, a concern was expressed that the Agency was run "by Metis for Metis" thereby giving short shrift to other Native groups (1991:7.2).

There was also a danger that the Agency might be seen as violating the expectations of the most stable funder, the Department of Justice. In discussing the federal-provincial agreement, a senior Justice manager, in 1987 commented that "...the federal government is satisfied that the Native courtworker services provided by the [the Agency] are available to both status and non-status Indians. Further [the Agency] has the support of the principal Native groups in [the Province]." (Correspondence, September 11, 1987). It could be argued that in 1990 the Agency no longer had the support of all the major Native groups in the province, even as it could be argued that the Solicitor General-sponsored initiatives denied services to "non-status Indians." It will be very important for the Agency what position the Department of Justice decides to take on the issue. If either branch of the state is not satisfied with funding arrangements, for whatever reason, then the program can be "terminated upon a year's notice by either the federal or the provincial/territorial government." (Correspondence, September 11, 1987), although political realities might make either group hesitate. No hesitation was shown by the provincial government in another province to end funding, however (see Chapter 8).

An unrelated but stress-inducing complication to this crisis was the notice given by a union in August, 1990 that they were planning to organize the Agency's staff. A special meeting was held with all Agency supervisory staff to explain and discuss the issue. Ed Smith had been against the unionization of courtworkers since observing the results in another province when the unionized courtworkers were forced to go on strike to support another arm of their large union. Many clients went unrepresented in court and the

legitimacy of the courtworker organization in the Native community was almost irreparably damaged (Personal recollection). It was made clear at the meeting that "[the Agency] is committed to fight the Union Application all the way." (Supervisors meeting minutes, September 17, 1990). The Agency was not prepared to entertain other threats to legitimacy.

Ed's occasional talk of retiring in the near future added an extra bit of stress to the crisis, especially for senior managers who anticipated that this event would lead to more internal turbulence and, perhaps, renewed attempts by Native political organizations to gain control, all at a time when organizational efforts were needed elsewhere (Conversation, Staff member, February 28, 1991). See Chapter 5 for further discussion of this point.

A final but extremely important complicating factor was that funding cuts continued in 1991 and more were expected in 1992. Most budget cuts were made in administration, but a danger to the core courtworker programs was felt to be very real. Cost of living increments were necessary to improve staff morale which had been severely shaken by earlier program and position cuts, and to maintain salary parity with state-operated services. To not grant these might give the union the leverage it needed. The Agency was faced with the necessity of further cutting services in order to re-allocate existing funding (Management meeting minutes, March 7, 1991).

The Agency went into a short period of decline as the result of not recognizing the increasing precariousness of its relationship with the local Native political organizations. It was well aware of the problems in its working accommodations with the provincial Solicitor General's department although the arbitrariness of the actions taken by the Solicitor General's department seemed to have caught the Agency managers by surprise. The Agency was not prepared for the major change that occurred in its environment and as a result couldn't adapt as quickly as was needed.

AGENCY RESPONSES

The Agency's responses to these difficulties began in mid-1990, and still were being developed at the time the primary data collection for this research ended in December, 1991. First of all, meetings were held with the Solicitor General's department to clarify the department's response to Native communities. Ed Smith told the provincial Solicitor General senior managers that the Agency would not allow them to take any more courtworker positions (Conversation, July 16, 1991). An Agency staff member suggested that Ed Smith would rather give up any other program than the courtworker programs, calling them "[Ed's] baby" (Conversation, November 25, 1991)[12].

Internally, discussions among Agency senior staff members proceeded feverishly. A variety of strategies were scrutinized, including: reviewing contracts to identify and clarify duties and priorities; getting back in touch with the community; increasing legal education workshops; assisting with the development of communities; developing systems to manage an effective and efficient agency; and improving communications at all levels (Senior management meeting minutes, July 9-12, 1990). The fourth point in particular

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12. Also, see Chapter 6 concerning the Agency's reluctance to cut courtworker positions as part of its austerity measures.

needs further explanation. Five sub-points were listed under it: "providing information to people on the Agency's resources and how to use them; facilitating discussions in meeting with resource people to meet community development needs (planning, organizing and developing); involving all levels within the communities; developing and training all employees to meet community needs; and providing on-going support in communities." The job duties of all staff and the board of directors were reviewed in light of these strategies. These strategies fit the three described by Cameron et al. (1987:223) as eliminating ambiguity (providing information, discussions with communities, and reviewing job duties), buffering the technical core (training), and increasing the scanning of the environment for information (meetings). Increasing efficiency, as was done also, is a strategy often used in environments with declining demand (Romanelli, 1989:376).

It is interesting to note that, as of August, 1990, the Agency was still addressing the crisis as one of "community ownership" and using the language of community development (Memo, August 28, 1990) but, by the following month this had changed. In September, 1990, Ed spoke to the Agency's staff about the changing role of the organization, saying: "[The Agency] may start developing programs and training people in the communities to self-govern themselves. We will probably turn some of our programs over to the communities as they feel ready to take them on." (Supervisor meeting minutes, September 17, 1990). The use of the qualifying phrases suggests that the Agency was still in the process of internally redefining its role in self-determination initiatives.

In short order, a five-year plan that addressed self-determination was suggested by one of the senior managers (Conversation, Staff member, August 26, 1991). This plan was designed so that the Agency could take control of the devolution of its services to the communities. In effect, the Agency would approach selected communities and negotiate individual agreements with them. As part of the agreement the Agency would train community members to take over the services of interest to the community, supervise the transition of the service and then turn the program(s) over to the community. Note that this procedure differed very little from the procedures followed by the Agency in its development of the alcohol programs, or from the procedure being followed by the Solicitor General's department in its Native initiatives.

As this plan was discussed, and as it became apparent that it would be necessary to wait for the Province to develop its implementation plan for the recommendations of the 1991 Task Force, a second strategy was suggested and was still underway in December, 1991 when this research ended. The strategy was to remove the courtworker programs from the sponsorship of the Solicitor General's department and transfer them to the sponsorship of the Attorney General's department[13]. This was an extremely risky strategy

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13. In 1974, the provincial Attorney General's department was split into two departments: the Attorney General's department which oversaw, among other things, the operation of the judiciary, the courts, and later, some diversion and alternative measures programs; and the Solicitor General's department which was responsible for provincial policing, corrections, motor vehicles, and, eventually, young offenders. At the time of the split it was decided that, because of the Agency's broad base, it should go to the Solicitor General's department. A senior manager of the department recalled: "...the main reason behind it is that the focus of [the Agency] is much more broad-based than strictly the

for, as Singh et al. (1986a:206-7) point out, sponsorship changes increase the risk of mortality for social service organizations.

Ed met with Attorney General staff and suggested the move. The Agency's corrections and young offender institutional programs would remain at the Solicitor General's, but all the courtworker programs would be moved. The Agency expected that the Attorney General's department would have a better understanding of the courtworker role because of the department's involvement with court services. It was hoped that the department would be more sympathetic to keeping a province-wide network of standardized courtworker services operating, and would see the need to have centralized administration, training and other support services for the program. As well, it was hoped that the Attorney General would agree that there was a need to keep services insulated from Native politics (Ed Smith, November 18, 1991).

The Agency's argument was also that a great many of the Agency's programs were "front-end" that is, related to crime prevention, legal education, and the courts—all of which the Agency saw as fitting nicely into the Attorney General's mandate (Ed Smith, November 18, 1991).

The Attorney General's department had indicated its willingness to protect the courtwork programs in the past, most notably through an informal arrangement whereby courtworkers were not to be subpoenaed to court to testify concerning their clients. (Ed Smith, February 19, 1991).

In addition to these reasons for the move, there was some indication that Agency managers also suffered from feelings of betrayal based on the actions of the members of the Solicitor General's department. Agency staff felt they had developed a good, trusting working accommodation with the department. The department's control of the Agency's budget, for example, had not been perceived by Agency staff as a crisis even during the cutbacks described in Chapter 6. This was no longer the case. As Ed Smith explained, there are "two ways of getting power. One is if you have worked with somebody really close then they have...a certain amount of control, because you have been working on the same [thing], but if people start doing things like [the department] did, they lose control. You don't let them have as much. The working relationship deteriorates. You don't keep them informed of what is going on..." (Interview, November 27, 1991).

The benefits of the move were potentially many. The Agency would be removing its jeopardized core programs to a department under less political pressure than the Solicitor General's department. Secondly, the Agency, once again, would have diversified its funding and gained a vantage point from which to negotiate (see Chapter 6). A rough estimate based on the 1990-91 budget showed that the Agency's funding would be more balanced among three funding groups—the provincial Solicitor General (40%), the Attorney General (49%) and other secondary sources, such as the federal Solicitor General's department, a private provincial foundation, provincial Social Services, and a number of smaller state funders (11%) (Agency statistical and activity summary, 1990-1991).

A third potential benefit was related to the fact that the Native unit of the Attorney General's department had been transferred to the Solicitor General's department. With the

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courts, sort of into the criminal justice spectrum..." (Interview, July 31, 1987).

emphasis on training for the judiciary and other court personnel recommended by the 1991 Task Force, the Attorney General might need Native training expertise. Ed suggested to Attorney General management that the Agency might be able to assist in the training of Attorney General staff, particularly in the area of Native awareness.

A number of other responses were developed by the Agency over this year and a half. The first of these was the development of more joint ventures outside of the political arena, in particular with other Native service organizations (some of which may have been facing the same threat from Native political land-based organizations). An example of this was a community centre proposed for Fort Jones. This Centre was envisioned as providing a wide range of programs to the inner city. Many of these programs were offered by other agencies, although not necessarily in the inner city, and included programs such as alcohol treatment and family violence treatment. The Agency saw itself in the role of a "broker" having control of the Centre, with other groups providing services on a contract basis. (Ed Smith, February 19, 1991)[14]. The economic recession made joint ventures a more attractive prospect but the Agency was finding that funding was still an obstacle in that the participating organizations devoted a great deal of time and staff power to the development of a project only to find it going to the lowest bidder. (Ed Smith, February 19, 1991).

A second response was to re-emphasize the Agency's role as a resource to land-based communities, a response related to the 5-year plan. The Agency's expertise in training and program development was a key aspect of 4 of the 5 proposals for community-based programs developed since 1990. The Agency's response to the report of the provincial task force also emphasized an increased training and development role for the Agency. Training has had a relatively low profile at the Agency since the cutbacks in the late 1980s (see Chapter 6). Indications are that the Agency may be hoping to re-establish the training department in light of the emphasis put on training by the Solicitor General and the potential increase in training activities that could result from a move to the Attorney General.

A third response was to restructure senior management, so that there was one assistant director put in charge of program maintenance (operations), and another in charge of program development, and funding acquisition and allocation. The research and legal education departments, but not the training department, were placed under program development. It is interesting to note that the same manager was given responsibility for funding negotiations and for the development of Agency programs to assist in self-determination efforts.

As a fourth response, the Agency continued to put more emphasis on its "business-like" aspects, or its professionalism (See Chapter 6). An Agency senior manager explained:

> ...if we want to keep that competitive edge we are going to have to be run

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14. It should be noted that, at the end of December, 1991, this Centre was the site of a correctional centre operated by the Agency and had recently been the subject of a hot debate between the Agency and the federal government which had expressed ideas about taking over the institution and offering services to a larger group of ethnically mixed clientele. The federal government's plans were eventually shelved because of budget restraints.

> more...effectively. We have to be run more like a competitive business, rely less upon our reputation, because I don't think our reputation is going to carry us through all the rough waters—changes in government and people in key positions, and plus other organizations developing skills or recruiting skilled people that can do the job a lot better than we can. (Interview, April 29, 1987).

A fifth response was to critique the Solicitor General's Native initiatives by documenting the number of reserve-based clients the Agency served. A study done by the Agency's research department found that the largest number of the Agency's Native clients came from a community other than a reserve (77%). In addition, courtworker offices reported that anywhere from 0 to 25% of their clients were non-Native, with the average being 8%. Both of these are populations for which the reserve-based criminal justice programs would not provide services. The Agency intended to use this report as a negotiating tool in the event that more attempts were made to take over Agency positions.

A final response was to change the Agency's objectives and mission statement to encompass community development so that the Agency would not be acting outside its mandate by moving into the self-determination arena. In 1986-87, the primary objective of the Agency was: "To gain fair and equitable treatment for Native people involved in the legal system." This objective was explained as follows: "The three main components of ensuring fair and equitable treatment for Native people are to increase the understanding of, and make information available to: 1) Native people about the legal system and other systems; 2) members of the legal system about the special circumstances surrounding Native involvement with the legal system; and 3) the general community regarding Natives and the legal system." (Agency annual report, 1986-87). The objectives were revised in 1987-88 because "...providing fair and equitable treatment in the Criminal Justice System was not enough to help lower the Native incarceration rate, social injustice issues also needed to be dealt with. This redefinition of [the Agency's] involvement with the Criminal Justice System to include some aspects of social justice has led [the Agency] to develop three main objectives: 1) To lower the Native incarceration rate. 2) To gain fair and equitable treatment for Native people involved with the legal system. 3) To assist Native communities and individuals in developing their full potential."[15] (Agency annual report, 1987-88). In the 1988-89 annual report a "mission statement" appeared for the first time. It stated: "Our mission is to ensure that [the Province's] Native people receive fair and equitable treatment by respecting their unique cultural differences, and by utilizing a holistic approach in the development of the individual, the family and the community." The mission statement went on, under the "Community" section, to say that: "We support the spirit of self-determination that has evolved among [the Province's] Native people, and therefore, we offer our expertise to facilitate 'community owned' programs and services that lead to the development of individuals, families, and communities."[16]

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15. Because the Agency was mainly focussed on social justice issues that grew out of criminal justice issues, such as youth programs and parenting programs (both defined as a kind of crime prevention), there was very little conflict with the state over this change. It is likely, however, that this change increased the potential for conflict.

16. A difficulty that may occur if the Agency continues to pursue this

It is also important to note a response upon which the Agency did **not** rely greatly in facing this crisis—the invocation of Native cultural knowledge and understanding. As mentioned in Chapter 6, the Agency had been accused in the past by some members of the Native community of "not being Indian enough" (Ed Smith, February 19, 1991), and of not using Native Elders and culture enough in its programs and operations (Native newspaper, November 6, 1987). To use this response would have been risky for the Agency in that the organizations against which the Agency was competing were also Native, and could conceivably argue that, because of their population concentration and land-base, they were more culturally-grounded, that is, "more Indian."

The organizational responses to the complicating conditions, unionization threats, leadership succession, and funding cuts, were in varying stages of development at the end of 1991. The unionization threat had been more or less diffused by a senior manager suggesting to the union that in these times of Native self-determination, potential Native union members were unlikely to take kindly to being told what to do by a white union (Conversation, Staff member, March 14, 1991). A response to the succession concern was underway as a result of the restructuring and with the beginning of discussions about the early retirement of two senior managers (as the result of events in Chapter 6).

In summary, the Agency took swift action, as in Chapter 6, but this time to counter the perceived encroachment on the Agency. The Agency openly declared its resistance to the Solicitor General's department's reallocation of Agency positions. Plans were made to redefine the Agency's involvement in community development putting the Agency more in line with the Native communities' self-government ambitions, and also improving its legitimacy with them. Another plan was developed to remove the Agency completely from the Solicitor General's influence citing as grounds that the Attorney General's department's mandate was more appropriate to the Agency's activities. It is apparent, however, that the Solicitor General's control attempts prompted the attempted move. Other responses to the encroachments included developing closer relations with other Native service organizations, re-emphasizing the Agency as a general resource, putting more Agency efforts into community development, re-emphasizing professionalism, and broadening the Agency's mandate to encompass community development. These strategies were still in the developmental stage at the time the research concluded.

CONCLUSIONS

By 1991, the Agency's commitment to innovative programming had been put into second place to ensuring survival. The Agency was operating in an environment more hostile than at any time since its founding. Based on the data in this analysis, conclusions emerged concerning: the loss of legitimacy, the state's role in interorganizational

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community development response, is that funding from the state (and other sources) may not be readily available because of jurisdictional problems. The land-based communities will, in all likelihood, have greater access through federal sources. The Agency may find itself dependent on the land-based groups for funding as a result, and become embroiled in self-government politics.

competition, the disadvantages of organizational ideology, the organizational impact of changes in founders' roles, the use of selective resistance, the loss of "in-between" status and the "Nativeness" of the Agency's strategies.

I concluded that the loss of legitimacy was probably the greatest threat to the Agency's survival, as suggested by Singh et al. (1986b:189). The Agency felt it was losing legitimacy with Native communities because of management and community responsiveness problems (arising out of the 1989 crisis), its non-community-based structure, and (I am speculating), its inability to challenge the provincial Solicitor General. The task force had also hurt the Agency's legitimacy by encouraging competition. Unionization was another potential threat to legitimacy but was dealt with quickly. The Agency couldn't use culture as a means of increasing legitimacy since the Native political organizations were more "Indian."

In previous years, it was the turbulence of the Native political environment that had had the most impact on the Agency, and the state had been a comparatively stable and supportive part of the political environment. By 1991, this had changed so that the state was also contributing to the political turbulence.

The Agency was also losing legitimacy with the state. It was no longer conforming as closely as before to the Solicitor General's expectations of cooperativeness and "partnership." Nor was it keeping up to the state's changing political needs. Competition for funding and clients was fierce and the actions of the provincial Solicitor General's department and other state branches fuelled the conflict. I concluded that, whereas in the past the Agency's linkage with the provincial Solicitor General had served as an insulator against environmental turbulence, this linkage was now a contributor to it. The Agency's core programs were endangered by Solicitor General initiatives and this threatened the Agency's niche within the criminal justice system.

The Agency had developed a number of strategies for dealing with the changing Native political climate, such as allowing a degree of political organizational input into board selection, developing an apolitical stance, and encouraging satisfied clients to talk about the Agency to political leaders. It didn't seem to be using equivalent strategies in dealing with the provincial Solicitor General. Instead, the Agency was developing a more political stance, openly criticizing the Solicitor General, and generally acting much less accommodating and cooperative than it had with the Native communities. This may have been an indication that the Agency was being influenced by the increasingly militant climate in Native political organizations, or that the Agency had decided that the more conciliatory, negotiating style of relationship with the state was no longer appropriate, or perhaps a combination of the two. As Ed Smith mentioned in Chapter 6, acting aggressively seemed to win the respect of the state so there is a possibility that this change in posture may well have been an attempt to win back some state "respect." there was insufficient evidence to make such a conclusion, however.

There were indications in Chapter 6 that the state, specifically the provincial Solicitor General, was retaking control of Aboriginal criminal justice services and I concluded that the actions of the Solicitor General's department in this time period were a continuation of this trend. "Divide and conquer" has been a long-standing state strategy for controlling Aboriginal peoples as seen, for example, in the effects of the Indian Act (discussed in Chapter 2). By encouraging competition through scarce funding and by

implementing policies that facilitated the involvement of the Native political organizations in service provision, the provincial Solicitor General was continuing this tradition. Weakening the Agency's legitimacy gave the other Native organizations a competitive edge. Because of changes in legislation (the Constitution), the potential for state dependency on Native organizations had increased because the state needed to provide more effective and culturally sensitive services. This removed some autonomy from the state and may have provoked efforts to lessen state dependency. By increasing the number of suppliers of resources that the state needed to maintain its legitimacy, the state was lessening its dependency on one supplier.

The end result of this process may turn out to be increased control by the provincial Solicitor General over Aboriginal criminal justice administration as part of a larger state plan to remove Indian responsibilities from the federal government (as suggested by Ed Smith). A second possibility, not necessarily unrelated to the first, may be that the state is encouraging self-determination on one level as a means of maintaining state legitimacy, and working on a second level to sabotage self-determination because of its reluctance to give Aboriginal peoples more autonomy. By promoting competition and disunity, the state prevented Native organizations from finding common cause and working together against the state. Following the same logic as above, by transferring power to the bands, the state would remove Aboriginal peoples as a problem population from the state's purview; however, Aboriginal self-determination only affects a minor percentage of Canada's Aboriginal peoples and, as well, the Treaties which are recognized legal documents, will not allow the state to evade responsibility.

In the criminal justice administration area, the Agency, because of its organizational maturity, would have been a key leader in developing a unified Native front. Weakening its legitimacy and organizational operations would be a rational state response given the circumstances. This conformed with the suggestion that the state has not lost its commitment to the assimilation of Aboriginal peoples, as was officially stated in the White Paper and which reappeared in the recommendations of the 1985 Nielsen Task Force[17].

The capability of Native organizations (service or political) to operate their own services would damage the any hidden assimilationist agenda. By covertly removing or hindering any real opportunity for them to prove their capabilities, the state could fulfill its agenda while still maintaining its legitimacy.

I concluded that the Agency didn't immediately recognize the speed and magnitude of self-government initiatives, nor anticipate the provincial Solicitor General department's involvement based on its (probable) desire to win allies among the Native political groups. This may have been because the Agency saw itself as part of the same movement, not yet differentiating between self-determination and self-government. Also, it may have assumed it was invulnerable to the Native political organizations and the state because of its maturity and power. It didn't anticipate that the two political opponents would become allies. As a result, the Agency went into a short period of decline as it tried to develop coping

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17. This latter report recommended, among other things, that the Department of Indian Affairs be dissolved, that comprehensive land claims be ended, that funding for Native political organizations be restricted, and that core funding for bands be cut back (Miller, 1991a:244-245).

strategies. Within a few months retrenchments occurred in dealing with the Native communities. The Agency developed a "Back to Basics" strategy aimed at increasing Agency visibility and involvement in the communities.

The Agency's leadership was no longer resting in the hands of the founder, Ed Smith. His role was changing to that of a statesman (Elder) advising the Agency's senior managers. Restructuring had given them more authority and they were becoming adept at using the resources of bureaucracy[18].

I concluded that the changes in the strategic control and managerial subsystems were relatively minor, and likely a response to the need to focus more personnel on obtaining more information and funding from the environment. The development of new programs as a priority was reflected in the division of labour between the senior directors. While the focus of the operational subsystem had shifted slightly, to put more emphasis on community development services, few other changes in it were evident. Nor were major changes (except for decreased numbers) evident in the human-cultural subsystem.

There were indications that the Agency was also redefining its role in the communities in a quietly innovative manner, although this may not have been a deliberate strategy. As mentioned in Chapter 5, Ed Smith was being recognized as an Elder by people inside and outside the organization. An Elder's role is that of advisor, counsellor and guide (see, for example, Jules, 1988). I concluded that as an extension of this change in the founder's role, the Agency was in the process of redefining its role to being that of an "Elder organization," that is, an organization aimed at providing guidance, advice and training, in addition to its well-established core courtworker programs. It should be noted that Elder status is conferred, not proclaimed, so it would be more accurate to say that the Agency was recognizing that it had begun to carry out a new role and was incorporating it as a more central part of Agency functioning. To be granted such an Elder role by the communities would do a great deal to restore the Agency's legitimacy with the Native communities.

I concluded that the Agency continued using selective resistance as a response to threats in that, for example, it bowed to the trend of losing programs and positions but tried to control the loss and made plans to control future losses. The threat to move the courtworker programs to the Attorney General's department was also selective resistance in that non-state funding wasn't sought (probably a realistic assessment of its availability) but a new sponsor among the state branches was. Cultural values may also have played a role here in that the Agency managers were very upset by the "betrayal" of the Solicitor General managers. As was the case with the senior Agency managers in Chapter 6, this was seen as grounds for severing the relationship or at least a part of it. Loyalty, as mentioned by Boldt (1980) in the context of leadership, seems to be a very important value in Native communities.

I also concluded that the Agency was losing its in-between status and its courtworker services were no longer innovative services. It had successfully established

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18. They were working to make the Agency more efficient, for example, and to develop joint ventures with other Native organizations. Their efforts had led to the implementation of new objectives and a mission statement, and research carried out to criticize (resist) the Solicitor General's department.

courtworker services and the concept of Native service-providers. The survival of Native-operated services may no longer have been an issue, but the survival of the Agency was. It was no longer "in-between" the Native political organizations and the state (although it was still in between most provincial Native offenders and the criminal justice system). The two political opponents were beginning to align together and to compete with the Agency. While relationships of mutual dependency still existed, the number of alternate suppliers of resources had increased so that the state and the Native communities were no longer as dependent on the Agency. To survive, the Agency needed to re-establish a balance among the three groups.

I concluded that, while the impact of Native self-government on the Agency was a uniquely "Native" threat, the Agency's response to it leaned more towards the bureaucratic. This was probably because of the greater claim the Native political organizations had on any "Indianness"-based strategy.

As with the other three cases, there were some deficiencies found in the critical criminological framework. The concern of the state with maintaining its legitimacy in governing Aboriginal people fits into the framework, as does the state's continuing assimilationist policies. Assimilation of Aboriginal peoples is likely the only way to ensure long-term reproduction of the current social order.

On the other hand, Spitzer's model doesn't predict that the state might take over services from problem population-based organizations, nor under what circumstances such an eventuality might occur. The possibility exists that the state was flexing its power over the Agency, was no longer concerned with its "partnership" with the Agency, and was unmasking the power relations that lay beneath the fiction, perhaps as a warning to the Native political organizations. This is a move, however, from co-optation to coercion, and does not fit easily with the critical criminological idea of the state's function of maintaining social harmony through building loyalty.

The critical criminological framework also doesn't account for the actions of the Native political organizations in aligning themselves with the state. This goes against the critical criminological conception of struggle between dominant and subordinate. The logical alignment under this framework would have been between the Native political organizations and the Agency, against the state. At the social organizational level of theory, however, such action makes excellent sense as a means of building service infrastructures (see Comeau and Santin, 1990:142).

The snapshot that emerged in 1991 was that of an organization trying to rebalance a relationship that had been so seriously disturbed that the Agency lost some (though not all) of its in-between status. It was changing its strategies to be more aggressive and innovative to suit this most serious threat yet to its survival.

CHAPTER 8: SUMMARY AND DISCUSSION: THE SURVIVAL OF ABORIGINAL CRIMINAL JUSTICE ORGANIZATIONS

The intent of this research project was to answer three research questions:

- "What factors affect the existence of Aboriginal criminal justice organizations?"
- "What responses can Aboriginal-operated criminal justice organizations make to cope with these threats?"
- What impact does the organizations' "Nativeness" have on their survival?

As a prelude to suggesting some answers, I will summarize the results of the four time points studied, give an update on the Agency since the research ended in December 1991, and compare the Agency to other courtworker organizations. Finally, I will discuss the theoretical frameworks and make some suggestions for further research.

FOUR SUMMARIES

STAGE 1: 1970-71: LIABILITIES OF NEWNESS

When the Agency started in 1970, it went through some fairly standard birth processes, with the exception of its special problems with legitimacy based in its Native origins. The courtworker program prototype was developed in the Fort Jones friendship centre. The most important resource the program needed was legitimacy with members of the criminal justice system. The majority of Aboriginal peoples were seen by society as a problem population and the Agency had to overcome that stereotype. As legitimacy developed so did a demand for more services. Conflicts with the board of directors led to Ed Smith, the executive director, setting up a separate courtworker organization, the Agency. As the Agency developed it experienced difficulties of a political and financial nature, as well as in establishing legitimacy.

The political problems resulted because the Native political organizations saw the Agency as a resource that could be exploited for its financial and informational resources and growing legitimacy. This put the Agency in an awkward position because it needed the support of these organizations (as well as their organizational expertise and funding), but it also needed the support of the members of the criminal justice system and the state in order to establish a niche in the criminal justice system. The financial problems resulted from a more or less "normal" lack of funding.

As a result of the Agency's dependency on them, the assisting groups found opportunities to try to use (control) the Agency for their own purposes. The Agency had to maintain a balance between its need for their support (including the legitimacy they could give it), and their need for its resources. One of the main strategies for accomplishing this was to choose which control attempts to resist and to which to acquiesce. By acquiescing to some control efforts (for example, the judges' definitions of the Agency's role and the Native political organizations' efforts to have input into board member selection), the Agency gave the groups the perception that they had, partly at least, co-opted the organization and therefore had a stake in it. The Agency also developed an apolitical stance, presenting itself as an ally to both sides. The Agency called this "being a bridge." It could also be called maintaining an in-between status between two political opponents. The financial problems were resolved as a result of the "almost religious fervour" of staff and Ed Smith's leadership skills in negotiating funding.

STAGE 2: 1974: INTERNAL CONFLICTS

The Agency had grown in size, financial resources and legitimacy by 1974, but rapid growth and lack of conformity with Native community expectations led to continuing problems with legitimacy and internal turbulence. Agency expansion and continuing demands from the criminal justice system and Native communities led to uncertainty among front-line staff and board members. They were caught in the middle between these expectations and those of management. Pressures were put on the Agency's board of directors to take more control of the organization in keeping with the more "political" Native organizational structure common at the time. In order to do so, the executive director's influence had to be curtailed. If the board had taken control of the Agency it would likely have become a more political organization. The provincial Attorney General's department made plans to co-opt the courtworker programs directly into the state structure if Ed Smith left the Agency.

The problem was resolved relatively easily. Ed Smith took advantage of the Agency's in-between position by using the bureaucratic skills he had developed partly as a result of his interactions with the state. He had also developed support in the Native communities and within the state. He used these against the board. In the resolution of this difficulty and in other ways, the executive director's leadership skills and in-between status proved valuable resources for the Agency and left an indelible stamp on its evolution.

STAGE 3: 1989: OVER-EXTENSION

The time period between 1974 and 1989 was a time of staggering growth and transformation for the Agency. There were two phases, one of growth, the second of short-term decline. Increasing Native self-determination led to more politicized relationships between Native communities and the state. This had an impact on the Agency

as did the provincial Solicitor General department's response to the recession. Native communities were becoming less supportive as more organizations were started. Various branches of the state pressured the Agency to become more bureaucratic and professional; the Native communities pressured the Agency to become more culturally responsive. The Agency incorporated aspects of both "cultures" to maintain legitimacy but the cost was high in terms of organizational over-extension and internal tensions. The most important internal tensions arose from lack of communication and trust among staff. Staff were drifting away from the ideals and intents of the founder. When the recession led to demands from the Solicitor General's department on the Agency to cut its budget, the Agency found that its significant dependency on the provincial Solicitor General led to an inability to resist. The Agency's blindness to its increasing deficit and its inadequate financial management system led to a short-term decline.

The Agency's responses occurred quickly and aggressively and may have caused concern among state managers about the Agency's future cooperation.

STAGE 4: 1991: REACTION TO SELF-DETERMINATION

The difficulties in 1991 overlapped with the financial problems described in the last time period. Environmental turbulence continued and environmental hostility was increasing as self-government initiatives in the land-based communities threatened to eat away the Agency's programs. The Solicitor General's department not only reallocated Agency funding but actively encouraged competition. It seemed set on weakening the Agency and showed little concern for the future effectiveness of the services being transferred. The Agency's termination of some services and internal management reshuffling as of result of the problems in the last time period meant that it had already lost some legitimacy with the Aboriginal communities. The Solicitor General department's actions threatened to lose the Agency more (because of the implication the Agency was doing a poor job), not only with the communities but with the federal funder. Other further losses of credibility threatened in the form of possible unionization, possible leadership succession, and more funding cuts to come.

The Agency went into a short period of decline before it recognized and reacted to the seriousness of the combined threat from the Native political organizations and the provincial Solicitor General. The Agency developed a number of strategies aimed at both groups. It recognized and emphasized its role as an "Elder" organization in assisting Native communities as well as developing strategies to increase its visibility in the communities. Senior managers used a variety of bureaucratic strategies to increase the organization's efficiency and to attack the provincial Solicitor General's department. The riskiest strategy was a proposed switch of sponsorship for the core courtworker programs. The responses were still in development when research ended.

AGENCY UPDATE[1]

As of May, 1993, the Agency was still alive and well. When the research ended in December, 1991, the Agency was just beginning to recover from a period of decline. This recovery was still underway in May 1993. A number of changes in the environment caused changes in the Agency strategies.

The amalgamation of the Attorney and Solicitor General's departments in early 1993 put an end once and for all to the Agency's plans of moving from the Solicitor General's department. As well, senior management at the Attorney General's had already cooled somewhat to the idea of the move before the amalgamation. Ed Smith speculated that this was because of the "political problems" the move might cause. He believed the conflict with the Solicitor General's department may have "slowed down" the Agency in developing its correctional programs. The relationship was still very much up in the air. A letter had recently been received from the Minister of the combined department saying that there would be changes in the new ministry and the Agency would be part of them.

The Agency had also been negotiating with the federal Department of Justice to get the funding contract changed to reflect a broader definition of courtworker duties. The role of the courtworkers had changed to meet community and criminal justice members' demands, but Justice was still restricting cost-shared funding to court services. Ed was of the opinion that legal education, crime prevention and the development of alternative court processes such as diversion from court and sentencing panels (by Elders) should be included. The Department of Justice was also talking about making cuts in its courtworker program funding, an unprecedented move.

Ed Smith anticipated that further funding cuts would lead to cuts in Agency administration but "not at the field level." It should be noted that the Agency's budget for 1992-93 was 6.6 million dollars, compared to 6.2 million dollars in 1990-91. It employed 133 full-time and about 20 part-time, contract and student placement staff, compared to a total of 135 in 1990-91.

Ed suggested that the Agency might become "almost political" in the near future in that he was finding that the Agency had to go to deputy ministers and ministers to make itself heard, at both the provincial and federal levels. He had threatened openly to go to the press if the Agency couldn't negotiate funding cuts to some extent. He also suggested to me that because of the Agency's size it could sway Native support for specific political candidates both in Native and provincial elections.

There had also been some talk about amalgamating courtworkers with Legal Aid services across Canada. The Agency was scheduled to meet with provincial Legal Aid managers to discuss avoidance of duplication in services.

Relations with the Native communities looked much brighter than in 1990-91, although the death of a provincial Native political leader who was a supporter of the Agency dimmed the picture.

The Agency was getting back into innovative services. Ed Smith said that sentencing panels and the Young Offenders Act had given the Agency "a new entry into

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1. This information is based on a conversation with Ed Smith May 31, 1993 and information received from Agency staff.

community corrections." The Agency was involved in the operation of sentencing panels in four communities and in the development of these services in another four. One of these was a joint venture among the Agency, the local friendship centre and the local police detachment. The Agency became involved with two community groups who were trying to develop employment programs and family living skills programs for young offenders. The Agency had to compete for funding with the provincial Metis organization in both cases. The Metis organization and the Indian organization had accused the Agency of riding on their coattails, according to Ed, but he thought instead, they were riding on the Agency's and, as he put it, "they want to take over the coat."

The Agency was moving into more of an advisory role, providing its expertise with "no strings attached." This willingness to not take control was a new philosophy for the Agency, Ed admitted, although it had been espoused earlier. It was very much in keeping with the role of an "Elder organization."

The Agency's community development work was being extended to Australia. The Agency's assistant director was there at the time of this conversation in meetings with the Australian national government. The Agency had been asked to assist in the development of a national program following the Agency model. It would include court services, community corrections, and the operation of institutional facilities. The Agency's role was anticipated to be that of advising on the structuring of the new organization's administration and board. It had been suggested that Ed go to Australia to supervise the work, but Ed had refused, saying that he "needed family around," and he was still thinking of retiring in the near future.

The Agency had lost no more positions to local programs. Ed said that in the future, the Agency would continue to adapt to fit where it was needed. It would keep responding to the Native communities. The courtworker programs were "still [the Agency's] bread and butter," but the Agency would keep looking for new areas in which to provide services.

Ed Smith said that his main concern was that Native people were beginning to lose the sympathy and support of non-Natives because changes were coming too slowly. He said that the Agency would keep providing services, however, even without this support.

In conclusion, it seemed that in May 1993, the Agency's problems of legitimacy with the state were still not resolved and might push the organization into modifying its apolitical ideology. Relations with the Native communities seemed to have been improving, especially with the Agency's movement into an Elder role and reinvolvement in innovative services. Political turbulence still existed and was not likely to abate in the near future. The Agency's involvement in program development in Australia couldn't help but improve the Agency's legitimacy as well.

The Agency was holding its own.

THE FUTURE OF THE AGENCY

The data suggest that the future of the Agency likely will be one of increasing state control. Self-determined organizations like the Agency will continue to face threats from self-government initiatives as long as political and economic resources remain scarce for the

reserve communities. This scarcity serves as an excellent means for the state to "divide and conquer" (Adams, 1989:154) or at least weaken Aboriginal organizations. It is likely that the state will continue to encourage competition by restricting funding, reallocating resources from one group to another, and encouraging distrust among the organizations. It is not surprising that no national organization has ever been formed among the Aboriginal criminal justice organizations across Canada, despite the many benefits that might accrue to its members. Such a "Pan-Indian" organization would pose a threat to the state and perhaps to the Native political organizations.

Continued state attempts to control organizational processes and activities will also have to be guarded against. As the Agency had already found, these can be subtle and incremental. An awareness of state objectives, official and hidden, will provide a guideline of what to watch out for. Another danger is the over-extension of internal resources should another "boomtime" ever hit this country. A final and very important threat is that of appearing too successful, too capable and too autonomous. This may invite control attempts by some groups and set the organization up as a threat to others, especially the state, which seems to be constantly wary of autonomous tendencies among subordinate groups and organizations.

THE AGENCY IN COMPARISON TO OTHER COURTWORKER AGENCIES

The tribulations faced by the Agency through its life cycle can be compared to those faced by other "courtworker agencies" in Canada. The Agency provided services similar to these groups, although the Agency's scope was wider than most. A quick overview of a number of other courtworker programs indicated that the patterns in the Agency's history were not an isolated trend. Other organizations have also wrestled with problems of legitimacy, political turbulence and resource scarcity. Bureaucratization seemed to be a common pattern. One problem most of the organizations had suffered, but the Agency had been spared, was leadership succession.

Of the 11 programs, 4 were no longer in existence. Two of these didn't survive the liabilities of newness. One not only couldn't establish legitimacy with the provincial government, but also couldn't escape getting pulled into the political activities of its carrier agency, an Indian political organization involved in land claims negotiations. The other courtworker program couldn't establish legitimacy with the provincial Native political organizations which cancelled it, claiming there were greater needs in other areas. Factionalism in Native communities appeared as a trend among these groups, as it also had

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2. Information for this section was taken from the Agency history, Chapter 14; the National Inventory of Aboriginal Justice Programs, Projects and Research (1990); minutes of the Native Courtworker Evaluation Conference, September 1-2, 1976; a number of program evaluations and annual reports; interviews with Ed Smith (April 7, 1987; February 19, 1991; November 18, 1991); and personal observations. Geographic regions couldn't be referred to by name because this would identify the Agency.

in the Province. The land claims-rooted conflict pointed to the possibility of state-instigated factionalism. In recent years, groups in both these provinces have approached the Department of Justice about the possibility of starting new programs.

Another two organizations "died" after several years of operation. One overtly challenged the legitimation function of the provincial government by running Native candidates in opposition to the government incumbents in an election. Provincial funding was terminated soon afterwards on the grounds that an (already struggling) legal aid service could provide the services. It seemed that the provincial branch of the state preferred a non-Native and apolitical partner in dealing with the Native problem population. Rapid changes in leadership also contributed to this agency's poor relations with the provincial government. There has been some discussion in the last year of restarting the program with a structure more in line with the Agency model. The other program was operated by an Indian political organization that lost provincial funding by refusing to meet the funder's expectations regarding cooperation with the provincial Metis organization. The program eked out its existence for several years afterwards on small federal grants until these failed. The provincial government has since decided that Native peoples are a federal responsibility and has refused to entertain new proposals. This event contradicted the idea of a hidden state agenda to remove Indians from federal responsibility or, alternatively, it suggested that, if such an agenda exists, at least one provincial branch of the state wasn't willing to accept the responsibility.

It is apparent from these life stories that the Agency's apolitical stance was an effective strategy in avoiding political minefields such as destroyed these four programs. The Agency's ideology of "partnership" based on mutual dependencies also helped it avoid danger.

For the courtworker programs still in existence, legitimacy also seemed to have been a major cause of difficulty. Most legitimacy problems occurred during start-up. Six organizations (including deceased ones) were affected by conflict among rival political organizations wanting sole sponsorship of the courtworker program. In all cases the programs were delayed by provincial government rejection of these proposals. This pattern raised the question of ways the state uses existing factionalism among Native organizations. Here factionalism was used as a reason for delaying the politically undesirable support of the Native political organizations.

Ineffective services caused legitimacy problems in two organizations. Native communities expressed dissatisfaction with inadequate services, according to one program evaluation. Minor client dissatisfactions were reported in all evaluations. Perhaps the Agency's tendency to initiate its own evaluations and otherwise engage in self-scrutiny may have headed off similar problems.

Another courtworker organization went into serious decline because of legitimacy problems with one of the provincial Native political organizations. This organization put a great deal of pressure on the government to turn over the agency to it. After a number of years in which the services were cut back to only one community and funding was kept at a minimum, the provincial government funded a needs assessment and put the services up for tender. The contract was awarded to the provincial Native political association. In this province, Aboriginal peoples were a significant proportion of the population. It is possible that the Aboriginal political organization was perceived by the state as controlling a large

section of the popular vote and, therefore, as being in need of appeasement[3].

Legitimacy problems were sometimes associated with leadership succession. In one organization it led to severe disruption of services and loss of credibility, and in another leadership succession gave impetus to the provincial funders to put pressure on the organization to change its structure. It also contributed to the death of one organization (as mentioned earlier), and the unionization of another[4].

Ed Smith's leadership skills and longevity as organizational head seem to have insulated the Agency against such turbulence. Leadership succession and effectiveness seem to be more essential issues in Native organizations than in other innovative organizations perhaps because of the volatility of the environment and the need for strong leadership to buffer the organization from environmental pressures. This contradicts the findings of Singh et al. (1986a:607) who suggested that changes in executive officers should have a relatively minor impact on organizational survival.

Competition from other Native organizations led to problems for several courtworker programs. In one province, strike actions and the resultant lack of legitimacy (as mentioned above), gave ammunition to competing organizations. As well, fly-in services led to the local bands taking over in some communities. In another province, geographic distances and ethnic diversity led to the set-up of four different programs. This occurred with the blessing of the original courtworker service which felt it couldn't provide culturally sensitive or adequate services. Most of these four new programs were not courtworker programs but based in legal aid centres or community legal clinics, and employed paralegals, lawyers or legal information officers.

Internal political problems occasionally led to program difficulties, especially in the programs sponsored by friendship centres. These may have been the result of the high degree of autonomy from the provincial association the individual friendship centres had. One such program underwent administrative and funding disruption because four friendship centres left the provincial association and took the local courtwork program with them. This left the courtworkers without training and administrative support. These events were symptomatic of factionalism within Native communities.

All agencies have suffered from short-term funding so that programs (in addition to courtwork) were started and ended shortly thereafter due to lack of long-term funding. This funding pattern was also found in the Agency data.

Bureaucratization, while not necessarily a problem for the agencies, also seemed to be a trend. Program evaluations commented on document handling, the need for computerized information systems, improvements in staff training, and improvements in the structure of the organizations. It is interesting to note that one evaluation reported that the statistical information sent to the provincial and federal funders is "rarely reviewed and

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3. It is unlikely that the award was based on a cost faction since more staff were eventually hired.

4. As discussed in Chapter 7, the strike action taken by the only unionized courtworker group in Canada likely led to severe loss of legitimacy for the organization with both Native communities and criminal justice system members as Native offenders went unassisted in court. This gave impetus to the growth of competing organizations. As a result of observing these events, the Agency defined unionization as a problem.

generally not used by any member of the Department of Justice or the [provincial] government branch." This suggested that bureaucratization demands by the state were more likely control attempts than the expression of actual concerns about better management. This raised the question of how important Native organizational effectiveness really was to the state.

The Agency differed from these organizations in the effectiveness of the strategies it developed and how well it was able to maintain a balanced position between the Native communities and the state. Its apolitical stance gave it legitimacy with both the state and the Native communities and insulated it from much of the political turbulence in the environment. This stance also assisted the Agency to combat resource scarcity. The Agency's effective use of bureaucratic techniques led it to avoid some of the problems faced by other organizations, although all seemed to have bureaucratized to some extent. This seemed to be an inevitable result of developing a dependent relationship with the state. No information was found on the impact of self-determination on any of these organizations, possibly because it was too politically sensitive a topic to be included in state-funded program evaluations and reviews.

The Agency's in-between status seemed to have been a more effective position, in terms of organizational survival, than those developed by other courtworker agencies. This could be one of the main reasons for its influence on the development of most of the other courtworker programs in Canada and other countries.

EXPLANATIONS: SURVIVING IN-BETWEEN

In order to answer the three research questions, I looked for patterns across the four time periods. Distinctive patterns emerged to suggest answers to the questions. This section synthesizes and extends the conclusions reported at the end of each data chapter and in the comparison above. At the end of this section I make a few general comments about other Native criminal justice and other organizations.

I will discuss each question in turn.

FACTORS AFFECTING SURVIVAL

In answer to the question of what factors affected Agency survival, two patterns emerged from the data. "Political turbulence in the environment" was the first part of the answer, and "dependencies that developed out of a need for resources" was the second. Both of these situations, I suggest, led to a third emergent pattern, that of direct and indirect control attempts by other groups. These attempts were the direct or indirect causes of the organizational difficulties experienced by the Agency. Problems in two of the time periods were the direct result of control attempts; two other periods were characterized by internal problems (a secondary pattern), but these occurred in the context of control attempts (see Figure 6).

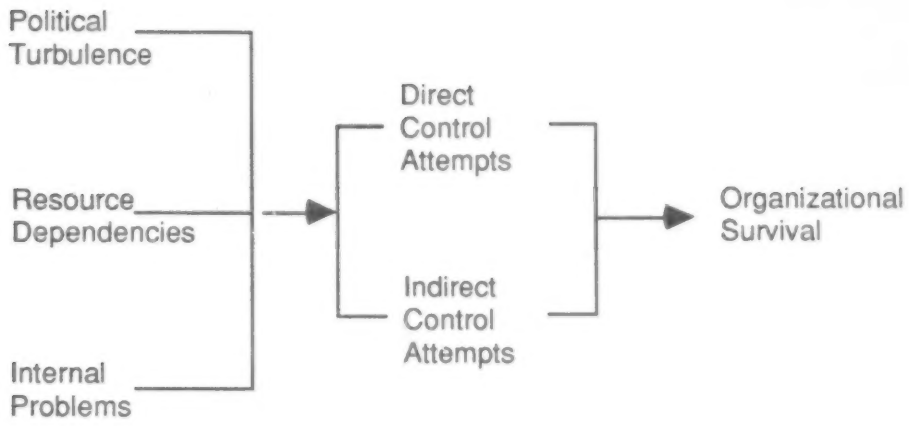

Figure 6: Factors Relevant to Agency Survival

Political turbulence will be discussed first, followed by resource dependency, and then a discussion of control attempts and internal problems.

Political turbulence:

There is little doubt that from its birth the Agency was caught between two groups, the state and Aboriginal communities and political organizations, as they struggled over the extent to which each group would govern Canada's Aboriginal peoples. This struggle was reflected in the criminal justice system as a competition over the degree to which each one would control, not the whole criminal justice system, but any part of it that involved Aboriginal offenders. Since Aboriginal offenders were the largest minority group within the criminal justice system, this was a significant part of the system.

Political turbulence arose out of the contradictory goals of the state and the Aboriginal communities and political organizations. The nature of the turbulence changed over the years, as the relations between the state and the Aboriginal communities changed. Because one of the primary purposes of the state is legitimation, that is, maintaining and creating conditions of social harmony, the state was trying to win the loyalty of economically oppressed groups, in this case, Aboriginal peoples, at the same time as it was trying to control them (Brickey and Comack, 1986:19). This contradiction provided an important context to much of the analysis.

To fulfill its goals in its historical dealings with Aboriginal peoples, the state had developed a policy of trying to assimilate them into the general population. Based on the state's interactions with the Agency and the Native political organizations, I am suggesting that several hundred years later, this policy still existed unofficially[5], as the state tried to

5. It could be argued that official state assimilationism officially ended with either the withdrawal of the White Paper of 1969 or with the introduction of Bill C-31 in 1985 (Thank you to James Dempsey for this insight). The data in this study suggest that

best serve the long-term interests of modern capital by preserving the status quo. Serving the long-term interests of capital meant reproducing the current social order. It meant that the state had to coerce or otherwise influence Native individuals and communities into joining the social order, that is to be resocialized into the dominant order or, in other words, to assimilate[6]. If they resisted, means had to be found by the state to silence or remove, that is, control them. In terms of Native individuals, control likely meant jail (or some other institution of social control) if assimilation wasn't successful.

In the days of Oka, Elijah Harper, and Nunavut, and continuing (though perhaps declining) public support for a wide variety of Aboriginal initiatives, it has become difficult for the state to openly espouse an assimilationist ideology without risking public and perhaps legal approbation. It has been under pressure from many sources to support Aboriginal self-government. Nor can it risk losing (yet) the assistance of Native organizations in providing legitimation with Aboriginal communities and the voting public. I am suggesting that in order to control the problem Aboriginal population, the state has had to give the appearance of supporting the efforts of the Native political organizations to change Aboriginal socio-economic conditions and political status, while at the same time finding a way of sabotaging these efforts so as to continue assimilation.

One strategy for giving the appearance of supporting self-determination has been to fund (controllable) Aboriginal service organizations like the Agency. The state can use them, as reported in various media, as a symbol of its commitment, thereby enhancing its legitimacy. In the case of the Agency, the various branches of the state also funded it to help them control the problem population of Aboriginal offenders.

It is likely that the state first got involved with the Agency for this specific reason—to use it to prevent, hasten and otherwise manage the progress of troublesome Aboriginal peoples through the criminal justice system, as suggested by Spitzer's (1975) model. The Agency was an instrument of normalization, conversion and containment. It put problem Aboriginal offenders through the system rapidly and relatively invisibly (normalization); it provided front-line services to offenders, therefore "policing its own" (conversion); and it kept Native offenders separate from other offenders (containment). As well, the Agency's "partnership" with the state suggested that the state had a legitimate right to the loyalty of Aboriginal peoples, thereby diverting possible crises of legitimation arising out of (documented) ineffectual services and the development of self-government initiatives.

The Agency thought of its programs as innovative, and they were touted by the state as such. But while they contained some unique cultural elements (as did most of the Native programs eventually funded), they still fitted into the system as modifications of

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this was not the case. It may very well still exist within the state at a deeper ideological level.

6. As an aside, the attempt to remove Indian peoples from federal responsibility might be an attempt by the federal government to "fob off" a problem population on the provincial governments, with the rationale that the administration of justice (and other services) are a provincial responsibility. While this rationale has been applied to the Metis and non-Status Indians, it is not likely to succeed with Indians because of the legal bindings of the Treaties. Assimilation, therefore, is still a necessary state tactic for controlling this group.

existing state-operated programs. I am suggesting that one of the reasons the Agency's programs were funded was because the Agency was perceived by the state to be "assimilation-friendly." Radical, non-assimilationist programs were not funded, even when suggested by a "partner" like the Agency[7].

As well, Native-operated programs had been taken over by the state or awarded to non-Native contractors. The possible sabotaging of Native-operated programs through contracts, funding patterns and the inappropriate use of standards and policies also supported the idea of the state working to lessen the innovative nature of the programs. Contracts were short-term, funding patterns were unpredictable and faddish, and policies were usually appropriate for urban, non-Native programs. This prevented long-term planning and program expansion, and sometimes forced a choice between losing clients or losing funding. In other words, if programs didn't meet the state's official and unofficial agendas, the various branches of the state had the means to pressure Native organizations into cooperating and becoming less innovative.

Another contradiction arose here. The state funded criminal justice programs that might assist in assimilating problem populations, but, at the same time, undermined them. This kept problem populations incarcerated and unassimilated, and off the streets and unable to challenge the state. The state's apparent lack of concern about the effectiveness of criminal justice programs suggested that a high Native incarceration rate might not necessarily have been a bad thing from the state's point of view. Perhaps there was an underlying pessimism in state ideology that, based on past experience, doubted the effectiveness of any method of assimilating Aboriginal peoples, and that Aboriginal peoples just as well be incarcerated. For this reason, the effectiveness of Native criminal justice organizations in lowering the Native incarceration rate might only be of concern to the state if the organizations did so without first assimilating the offenders or potential offenders. If that were the case, then too many unassimilated, disruptive individuals might be kept out of the controlled, segregated world of the criminal justice system and left in the "real" world where they could challenge the state through their status as either social junk or social dynamite. The state seemed to have been trying to push Aboriginal organizations into two contradictory directions: to be effective in assimilating offenders and to not be overly concerned with assimilating offenders.

This discussion has pointed to another contradiction within the state: between financial responsibility and control. After the recessions began the state faced shrinking revenues and an expanding problem population of Aboriginal offenders. This meant a dilemma: either spend more money on them to incarcerate them or keep them out of the system through crime prevention; or make short-term investments in self-governed services that would hopefully eventually lead to lower state expenses. This left the state a choice between an expense and a political challenge.

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7. Out of the many programs designed and proposed by the Agency, very few could be classified as "radical." This may have been because of the Agency's realistic assessment of how poorly received they would be, and concerns about Agency legitimacy. Perhaps the most radical project proposed in the Province was a "peacemaker" project that suggested counselling by Elders as a substitute for state-operated family and criminal court and crime prevention programs. This was proposed by a band.

These contradictions seemed to arise out of the fundamental contradiction between control and winning loyalty, and require a great deal more study.

The Native political organizations were the political opponents of the state. Their goal was the development of more autonomy for Aboriginal communities. This meant assuming powers held by the state. Self-determination seems to have been the main push of these organizations in the early 1970s, but this had been redefined to self-government by the mid-1980s.

It is likely that the Native political organizations originally supported the Agency because it provided a means of overcoming socio-economic inequalities in Native communities, in that the Agency assisted offenders to get out of the criminal justice system and brought skills and money into the Native communities. The Agency also was operating as a (relatively) self-determined, legitimate authority in the criminal justice system, thereby lending legitimacy to the claims of Aboriginal organizations that they were not only capable of, but had the right to operate their own services. After these claims were accepted by the state and the criminal justice system, the Agency (and other non-community-based Native organizations) became a target for take-over, even though the Agency, for one, perceived itself to be part of the self-determination movement. With the scarcity of funding available for the development of services, and the state's seeming reluctance to turn over its own services to the Native political organizations, the Native political organizations seemed to have turned to what were perceived to be the easiest targets, other Native organizations; and, as seen in the last time period especially, the state eagerly encouraged them to do so as part of its "divide and conquer" strategy.

The contradiction between the political goals of the state (assimilation) and the political goals of the Native communities (self-government) placed the Agency in a difficult position. It was under pressure to assist in the accomplishment of both sets of goals and its dependencies on these groups (as discussed shortly) prevented it from ignoring their goals. Because of the Agency's inherent value to both opponents, these groups tried to coerce ("control") it into supporting one side over the other, thereby creating more political turbulence for the organization.

Resource dependency:

The second factor that affected organizational survival was resource dependency, especially its dependency on political organizations. This pattern was evident from before the Agency's birth until the research ended. Its characteristics of resources dependency changed over time, however.

As the main actors and suppliers of resources in the environment of the Agency, the various branches of the state and the Native political organizations had the potential of assisting the new Agency through its birth pangs, or hastening it to its death. The Agency was small and resource-poor, not only in financial terms but in terms of organizational skills and legitimacy. Receiving financial and organizational support from the state and the political organizations insulated it against the liabilities of newness and maintained it through much of its growth.

I concluded that legitimacy was probably the most important resource need for the Agency. The Agency worked hard to develop its legitimacy with all parties, and, I suggest, used this legitimacy to gain more. For example, in its early years, it used the support of

criminal justice system members and band councils to get state funding, and used one source of state funding as proof of legitimacy to get more state funding. It also incorporated Native cultural aspects and bureaucratic aspects to maintain legitimacy with the Native communities and the state. Legitimacy seemed to be both a goal and a resource.

The Agency's legitimacy grew until self-government became the main threat to the state. As a self-determined Native organization, not a part of self-government, the Agency's legitimacy suffered. Social organizational theory suggested that the loss of legitimacy can lead to organizational death (Singh et al., 1986b:189). Legitimacy for Native service organizations seemed to have gone from being based on service provision to being based, at least partly, on political affiliation. Organizations that were not visibly associated with the self-government initiatives of the Native political organizations were no longer considered appropriate service-providers by Native communities or by the state.

The availability of resources from the various branches of the state and the Native political organizations changed as the relations between them became more politicized. Dependency relations are dynamic relations and changes in a variety of external conditions (such as demographics, culture and legislation) eventually led to the Agency becoming financially more dependent on the state. The Agency, in an effort to get more secure funding, increased its dependence on the Solicitor General's department. The Agency did not, at first, seem to associate "administer" with "control" in this relationship (although it did in its own relationships with Aboriginal communities). Shortly thereafter, because of the development of internal information resources on Native issues and the growing presence of the Native land-based communities in numerous service fields, the state found that it could rely on the Native political organizations for resources rather than relying on the Agency. The Aboriginal communities also became less dependent on the Agency as they began to develop their own services, often with state encouragement. I am suggesting that, since both groups had less need for Agency resources, they responded by decreasing the resources they usually provided to the Agency.

Control:

The data indicated that political turbulence and resource dependencies led to direct control attempts in two cases and provided the background for indirect control efforts in the two others. These control attempts, I am suggesting, were the most serious threats to the Agency's survival.

While the Agency was at its most vulnerable in its first year or so of development, the control attempts focussed on defining the role of the organization. Each group (clients, state, criminal justice system members, and Native political organizations) had a vested interest in molding the Agency into something the group could use, and all groups wanted the Agency to provide more services. The clients wanted a wide variety of services because of the overwhelming need for any kind of service in Aboriginal communities. These demands were not limited just to criminal justice. The criminal justice system members wanted someone to assist in managing the problem population of Aboriginal offenders but didn't trust the Agency, with its perceived "social junk" origins, to do the job "properly," that is, in the interests of the state. Their control attempts were aimed at making the Agency fit into the system or to get rid of it. The Native political organizations wanted to exploit the Agency's information, funding, and growing legitimacy in the organizations' conflict with

the state. As an aside, I am suggesting that, as the Agency became established, the control attempts by Native organizations took on an almost ritualistic nature, as if acknowledging the Agency's growing political power and increasing invulnerability. A more generalized pressure came from the Native communities wanting the Agency to become "more Indian," to prove its identification with Native self-determination. Sometimes this was voiced through the Native political organizations (land-based and otherwise) and sometimes through diffuse social control measures such as pressuring the Agency's board of directors to adopt an "appropriate" board structure.

The pattern of control efforts from the various branches of the state took a different shape. In the early 1970's state managers were not interested in taking over services for Aboriginal offenders; in fact, it is likely that they wanted to get out of the area because of the criticisms the state had been receiving from various task forces and special interest groups. It is possible, therefore, that they took the risk of funding the new Agency because it had the potential to be a tool for the management of these problem populations. As time went on and a partnership seemed firmly established, state managers began to agitate for more control. They wanted the Agency to use more bureaucratic methods in the way it operated. It is likely that this pressure came from wanting to make the Agency easier for them to monitor and, hence, control. With the advent of the recessions, their urgings towards bureaucracy became more pronounced as they began to insist on audits, evaluations, and more thorough documentation. It is likely that these remonstrations were less based on concerns about accountability than on concerns about control. It seemed that as the political threat to the state increased, so did state efforts at control.

As the Agency developed and grew and became more valuable to the Native communities and the state, it developed a certain degree of power and autonomy. I am suggesting that this made it harder to control and that it began to present a danger to the Native communities and especially to the state, since it might choose to cooperate with one side more than the other, or even to go its own way. The Agency was not a "big P political" organization in that political change was not its primary objective, but it was a "small p political" organization in that it could wield tremendous influence in a variety of areas: with the public, the Native population, the media, and on influential members within the criminal justice system, the Native political organizations and the state. Because it was an organization with innovative intents and ideals (if not programs), this made it a danger to the reproduction of social order, if only in a very specific area.

The data suggest that if there is doubt as to the loyalties of such an organization, the state, especially, and the Native communities will try to take steps to weaken its power. The state has done so in the past with other Native organizations (see Chapter 2). The Solicitor General Department's reallocation of Agency resources to other Native organizations and its assumption of Agency programs is suggestive that such a motive may be behind its actions; however, evidence was insufficient. In 1991, the provincial Solicitor General, in particular, began to exert its control in greater measure, not only by reallocating some Agency funding to other Native organizations, but by taking over Agency programs.

The Native communities alone didn't have the same power to pressure a powerful service organization into their camp but they could find opportunity to do so by working in conjunction with the state. As a result of Solicitor General initiatives, they finally began to make inroads, not only into the Agency's programs, but also into the Agency's service

territory. The provincial Solicitor General maintained a firm degree of control over the transfer of funding and responsibility, however.

While it might seem contradictory for two political opponents to work together, if the targeted Native organization is powerful enough, as it was here, I am suggesting it could be a case of temporary unity to attack a political upstart and divide the spoils afterward. Both groups might believe they could get the better part of the deal. Agents of the state, for example, might consider working with the Native political organizations as a step towards assimilating them into the dominant order. The Native political organizations would receive more resources with which to build their service and political infrastructures.

When this research ended there was every indication that control efforts on the part of the Native communities and the provincial Solicitor General were going to continue, if not accelerate. This reflected a pattern of minimal control on the part of the state in the beginning, increasing to greater control over time, and ongoing, though ineffectual, control attempts by the Native organizations that finally received impetus when the state stepped in.

Internal problems:

A secondary pattern that emerged was the threat to the organization produced by internal problems. These problems eventually led to two serious difficulties, and I am suggesting, all seemed to have been the result of rapid growth. Because of the Agency's growing legitimacy and organizational abilities, it had become quite adept at finding funding for new programs. Some of the strategies it used were risky, such as asking front-line staff to perform extra duties to encourage a demand for services, or increasing the deficit to prove the need for more funding. The main negative repercussions of rapid growth were confusion about their roles on the part of front-line staff and the board, the over-extension of the financial management system, and a drift in the organizational culture away from the innovative intent and informal relations of previous years.

Role confusion was particularly serious with the board because it seemed to have left the board open to external pressures to change the structure of the organization. The over-extension of the financial management system seemed to have come about as the result of not adapting quickly enough to the complexities of a changing funding environment. The drift in the organizational culture was likely the result of the organization's move towards bureaucracy and professionalism. This took the Agency away from the original intent of the founder which was to have a "family"-like structure and ideology. As a result, there were personal animosities and lack of communication among senior managers.

Internal problems such as these, I am suggesting, are relatively "normal" in the life cycle of a growing organization (see, for example, Tichy (1980)), but further research would be needed for comparative purposes.

In general, then, the Agency's innovative ideals may have been a key to the obstacles it faced in surviving. Innovativeness, by definition, can challenge the status quo and as such, is a threat that must be dealt with by the state. Of course, not all organizational innovations are serious enough to warrant state reaction or are even defined as negative by the state. "Native discontent," however, has been defined as threatening to national unity (Frideres, 1988:274), and has provoked a variety of state reactions, not only at the societal level, but at the organizational, as discussed in the last section (and as will be continued here).

That Aboriginal groups have legal backing and political support from a number of civil rights groups and international bodies (as discussed in Chapter 2), makes the issue more difficult for the state. It can't easily resort to large-scale coercion to reproduce social order, but winning the loyalty of Aboriginal peoples has proved remarkably difficult (which is understandable, considering some of the state's actions over the years). Instead, the state seems to have developed more subtle means of control that focus on administration and funding. These strategies have prevented Native organizations from coalescing into a unified front.

The Agency's struggle to survive occurred within this politically-turbulent context. It was one of the Native organizations affected by the state's generalized control strategies. As a successful and well-respected organization with innovative ideals, it may have been singled out to some extent. It was its dependency for resources that made it susceptible to state control.

From the other direction, as the Aboriginal political organizations resisted state control efforts, they tried to gain more control of the successful Agency as a means to their own ends. Many of the control attempts by both groups were relatively minor and affected the Agency without endangering its survival; some, however, were major and could have "killed" the Agency, if the Agency had not responded effectively.

AGENCY RESPONSES

The second question concerned the responses Native criminal justice organizations could make to cope with such threats. In answer to this question, one distinctive pattern with a number of key elements emerged. The answer was "maintaining an in-between status."

The Agency's responses to the threats to its survival varied depending on the source and the nature of the threat. The goal of these responses seemed to have been to maintain a relationship of balance between itself, the Native political organizations and communities, and the state. Until very recently, that is, in 1991, the balance persisted with the Agency in between the other two; that is, it provided services to both groups and received resources from both groups. The Agency's usefulness to the state and the Aboriginal communities decreased as they developed the expertise to deal directly with each other. As the Solicitor General and some of the Native political organizations started to work together, the balance changed and ended the Agency's in-between status, although not its existence. An in-between status, therefore, is conceivably just one kind of balanced relationship, but the one that the Agency felt was most appropriate and effective for itself in providing services to its clients. When the research ended, the Agency was searching for a strategy that would once again put it in-between.

The three most important strategies that the Agency used to maintain its in-between status were maintaining mutual dependencies, selective resistance, and maintaining an apolitical stance. Using resources from both sides of the interface was a related and secondary strategy. The importance of effective leadership underlay all of these strategies. I will discuss each of these in turn.

Maintaining mutual dependencies:

The first means of "maintaining an in-between status" was maintaining mutual dependencies. This meant the Agency developed a web of interdependencies with the important actors in its environment. These mutual dependencies were deliberately developed, I am suggesting, to give the Agency a degree of power in negotiating for the resources it needed (see Morgan, 1986:162). These resources ranged from the concrete (funding) to the abstract (legitimacy).

The web included primarily the Agency, several branches of the state, and the Native political organizations. The state was dependent on the Agency but, by the end of the study, it was beginning to develop dependencies on some of the community-based Native political organizations. The Aboriginal communities were dependent on the Agency for a wide variety of services, and their dependencies on the state are a matter of historical record. The goals of all these dependent relationships varied, although finding and maintaining funding and legitimacy seemed to be the most important.

The Aboriginal communities were growing in political power (as discussed in Chapters 2 and 7, particularly), but were still in a subordinate position to the state and looking for political and economic resources to exploit. The Agency, because of its financial resources and legitimacy, likely presented a valuable source of these, preferably under community/political organizational control.

The Agency was also likely a resource for the state which had a growing problem population on its hands, both financially and politically. Aboriginal offenders were a significant proportion of the inmates in the criminal justice system, eating up state resources that were becoming scarcer as a result of the economic recessions. The state was likely looking for a less expensive way of controlling them, or alternatively, of effectively assimilating them back into the general population. The Aboriginal population as a whole, spearheaded by the Native political organizations, was challenging the state politically through self-government initiatives. The state was dependent on the Agency to help manage the Aboriginal population on both fronts. The Agency assisted in managing[8] the Aboriginal offenders through its less-expensive service programs. I am suggesting it also provided a model and an ideology that the state was able to use and introduce elsewhere. On the political front, I am suggesting, the Agency helped the state maintain its legitimacy as the governor of Aboriginal peoples. The state could point to the Agency as living proof of the state's commitment to Aboriginal self-determination (if not self-government). It meant that the state could avoid becoming embroiled with the Native political organizations which were not as politically "safe" as the Agency.

Maintaining mutual dependencies, therefore, began with an initial dependency by the Agency on other groups involved in the criminal justice system; followed quickly by these groups becoming dependent on the Agency as it established its legitimacy with them. Over time, the dependencies that became most important to the Agency were its relations of mutual dependency with the state and with the Native communities and Native political organizations. When the Agency had reached a position of near service monopoly, the

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8. "Managing," in this case, could mean either controlling offenders within the criminal justice system or helping to resocialize them, that is, assimilate them to the dominant society through, for example, educational or crime prevention programs.

dependencies of the Native groups and the state were at their greatest. It was likely at this point that the Agency developed its greatest organizational autonomy and influence. The dependencies of the state and the Native communities on the Agency became more critical with time until, as the data show, they both acted to lessen these dependencies.

Selective resistance:

Selective resistance was the second means of maintaining an in-between status. It meant choosing to partly or totally acquiesce to some control attempts and to resist others. This pattern emerged from the very beginning of the Agency's establishment as it let the clients and judges define the courtworkers' roles. These attempts were not completely acquiesced to, in that clients were educated about the proper role for courtworkers and the courtworkers had orders to "push" the judges as far as they could. The demands of the Native community were resisted in as far as they would interfere with efficient provision of client services and the Agency's development of legitimacy with the state and the criminal justice system. They were, however, acknowledged in the content of programs and in organizational culture. The political needs of the Aboriginal communities and organizations were also acknowledged and assisted, but not to the extent that these groups could have direct control over Agency administration.

The various branches of the state made very few demands on the Agency at first, but these increased over time. Many of the demands for increased bureaucratization were acquiesced to, especially those that had the potential to improve client services (such as improved client records and program reviews) and to increase organizational legitimacy. Others were adopted but not fully realized so that there was an appearance of bureaucratization, but little substance to it[9].

It seemed likely that, in some cases, as long as the Agency kept up an appearance of increasing acquiescence, that is, of increasing bureaucratization, state managers were satisfied. This ties in with the earlier argument that Agency program effectiveness and the effectiveness of other courtworker organizations was not a great priority for the state. It corroborated the idea of a hidden state agenda.

Resistance to other groups also existed so that, for example, Ed Smith and his staff resisted the label of "social junk" by the banks and society in general (by working without pay).

The data indicated that sometimes the Agency did not provide enough resistance to external forces, as was the case with the organizational problems in 1989 brought on by the Agency acquiescing to too many demands from both the Native communities and the various branches of the state. While some degree of resistance was always in the background as part of maintaining an in-between status, it was less pronounced when the Agency and these groups were in partnership, that is, working in cooperation. However,

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9. It has been suggested that a strategy of agreement followed by noncompliance might also be a form of selective resistance. Data on the completion of management information forms and on services offered at one of the forestry camps where the Agency was forbidden from teaching the inmates how to do net fishing but proceeded to anyway, suggest that this might be a valid area for further research. Thank you to Norman Zlotkin.

as the various branches of the state increased their control attempts and competition began, Agency resistance also increased so that by 1991 the Agency's resistance to the state was at an all-time high, as was its resistance to the Aboriginal communities. This didn't mean that the resistance was total: the courtworker positions did get turned over, and plans were being made to work more closely with the communities. The Agency was, after all, still dependent on the communities for clients, staff and legitimacy; and on the various branches of the state for funding and legitimacy.

Total resistance to the state was therefore not possible, but total resistance to one branch of the state was attempted. The pattern, therefore, was one of fluctuating resistance by the Agency to the state, with it changing from being almost nonexistent at the beginning of the Agency's history to being very evident at the end of the research. This was directly correlated with the degree of control the state tried to exercise over the Agency. This suggested that trying to build loyalty might be a more effective means than coercion in state dealings with Aboriginal communities and political organizations. Whether or not this can be accomplished without tremendous state effort or is even feasible in light of past injustices are important questions that the state unofficially may have answered in the negative. This might account for the seemingly contradictory courses being followed by the federal and provincial branches of the state at the present time in administering criminal justice to Aboriginal peoples.

Agency resistance to the Aboriginal communities (including the Native political organizations) followed a more complex pattern. It ranged from being very "give-and-take" at the beginning, to extreme resistance, then with indications of becoming more accommodating very shortly thereafter, at the end of the research. This suggested that the Agency was well aware that, while it might find sponsorship under different state branches, it could only find the bulk of its clients in one place—among the Aboriginal population. This was the "bottom line." I am suggesting that the Agency had realized that, while it could afford to be occasionally negligent or defiant to the Native communities and political organizations, self-government and the growing political power of the Aboriginal communities were making this a much riskier proposition.

One of the most interesting things about the Agency's use of selective resistance is how it played the demands from the Native communities and the various branches of the state off against each other so that, for example, to resist demands for too much bureaucracy from various branches of the state, the Agency argued that Native clients would no longer feel comfortable and would not continue using the services. This strategy allowed the Agency to maintain its status in-between the two groups.

Apolitical status:

The third means of maintaining an in-between status was developing and maintaining an apolitical stance. The Agency was able to sell itself as an ally to both the Native communities and the state. For most of the Agency's history, the state saw it as a partner and as working within the system, not against it. The Aboriginal communities saw it as "Native" and as part of the Native community.

It, therefore, developed legitimacy with both groups. This strategy started in the early years of the Agency as managers became aware of the dangers of being co-opted into the burgeoning Native political movements. Not only client services were at risk, but future

funding from the state. The effective provision of client services became the basis of the apolitical ideology. Politics and service provision were seen as antithetical. It was an ideology that neither political opponent could take offence at. It worked well in approaching the state funders who didn't want to support the Native political organizations, and in approaching the Native political organizations who didn't want the Agency to become a political competitor.

For these reasons, it is likely that the apolitical stance was seen by the Agency as appropriate for the board of directors, in contrast to the contemporary model of Native organizational board functioning which was "political" in that it had elected board members or members appointed by political organizations. When the organization was facing its greatest survival threat, it had reconsidered this stance. Because of the Agency's informal influence (as perceived by Ed Smith) in the Native communities and on criminal justice system and state members, I am suggesting that the Agency saw "going political" as a viable option. It should be noted that "going political" didn't refer to adopting an elected structure or competing in Native elections, but to using the Agency's informal influence for the accomplishment of political goals, that is, increasing the Agency's autonomy.

Taking resources from both sides:

The fourth means of maintaining an in-between status, which I classified as a secondary means because of its somewhat less pervasive influence, was taking resources from both sides. The Agency's interaction with the two opponents provided not only problems, but, I am suggesting, advantages in that the Agency could obtain resources from both sides. In its early years, most resources such as funding, staff, and legitimacy were obtained from the criminal justice system and the Native political organizations, but as the state funders entered the picture, the Agency got more resources there. These included funding, access to expertise, and opportunities to learn a variety of bureaucratic skills.

In contradiction to commonly-held expectations that resources from, for example, Native communities, would be used to handle problems arising in Native communities, resources from one side were often used to handle problems caused by the other. For example, the use of documentation (the use of which had been learned, in all likelihood, from the state) was effective in handling the Native community-induced board crisis. As another example, support from Native organizations (and criminal justice system members) was used to get legitimacy and funding from the state (as mentioned earlier).

The result of this use of resources from both sides, I concluded, was the development of a unique organizational structure and culture (as discussed in more detail later) which was neither totally Native, nor totally bureaucratic, but enough of each to reassure the respective political opponents.

Leadership:

The final means of maintaining an in-between status was effective and skilled leadership. Ed Smith was the founder of the organization and his ideals, intentions and vision shaped its early development. As was mentioned throughout the research, the story of the Agency, especially in the early years, was also the story of Ed Smith. His personal credibility provided the foundation on which the Agency's legitimacy was built. His personal resources (skills, personality, political sensitivity, and contacts) were available to

the Agency. He developed the apolitical service-provision ideology of the Agency. His leadership didn't fit the Weberian ideal types of non-Native leadership, nor was he a "typical" Native leader as described by Boldt (1980), although he fit some of the characteristics. Whether this was, first, because he was an atypical leader (Native or non-Native), or, second, because Native leadership qualities have changed since Boldt did his study, couldn't be answered by this research.

His ability to walk between and learn from the two political opponents enabled him to guide the organization through the first two crises more or less single-handedly. By the third, the Agency's managers took a more active role and Ed's role was reduced.

As Ed's role changed to that of advisor and Elder to the organization, the Agency also changed, perhaps as a reflection of his still influential personality. It also adopted an Elder role in its work with the Native communities.

There is some question of whether Ed Smith was actually a charismatic leader. Boldt (1980) and Jules (1988) make contradictory statements about the possibility of charismatic leadership in Native communities. It is likely that Ed Smith was not one, even in the early years, although he may have been an inspirational leader. Boldt (1980:221) thought charismatic leadership unlikely among Native leaders because of the traditionally low profile of Native leaders. An aura of "authority, high status and cultural marginality" are not acceptable in a leader in most Native cultures. Instead, leaders are seen as having limited roles based on being effectors of social change. In the early years, even while Ed inspired staff by his example to make sacrifices and perform "above and beyond," he was not seen as a high status person nor as an authority by his staff. He was, however, seen as a leader in social change.

The innovative ideals of the Agency and "the cause" it was fighting may have been more related to the staff's early behaviour than charismatic leadership. As Lodahl and Mitchell (1980:187) point out, innovative organizations try to generate "total commitment on instrumental, affective, and moral levels." By the crisis of 1989, the data show that Ed was not filling the role of a charismatic leader, if he originally had been.

In general then, because of the on-going maneuverings of the state and the Native political organizations to gain more control and more autonomy, respectively, and the need by the Agency to obtain resources from both, attaining organizational balance seems to have been a dynamic adaptive process involving maintaining mutual dependencies, selective resistance, maintaining an apolitical stance, using resources from both sides, and dependency on a skilled leader. I concluded that "maintaining an in-between status" was the preferred form of balance the Agency sought.

THE "NATIVENESS" OF THE AGENCY

There were two distinctly "Native" aspects of the Agency's existence. The first of these were the native aspects of its environment; the second were the Native aspects of its needs, culture, and structure.

The Agency's environment was quite turbulent, especially in the later years as a result of the conflicts caused between Native political organizations and the state. Many of the threats to the Agency's survival originated in political actions by Native groups. These

were direct, as in attempts to take control of the Agency and its political involvements, and indirect as in pressures to assume an organizational structure that was more obviously "Native." The Agency's need to establish itself as a "Native" organization was also a unique aspect of the threats it faced.

The Agency's responses to environmental pressure were also influenced by the organization's Native cultural origins. The Agency started out with what was, in all likelihood, very "Native" structure[10]. There was little hierarchical structure; decision- and policy-making were based on consensus; there was a great deal of horizontal complexity (that is, job generalization); communications were very informal between and within all levels; there was an emphasis on "family-style" management; there were Native cultural elements in all programs; the organization responded very flexibly and rapidly to changes in its environment and eventually the organization emphasized an "Elder" role for itself. Of the formal subsystems — strategic control, operational, human, and managerial — the most emphasis was on the strategic control, in terms of getting resources from the environment, and the human, in terms of relying significantly on the skills and resources of its staff. The skills of the executive director were especially essential in the first two developmental stages studied, but his leadership role decreased as time went on.

The structure of the organization changed remarkable little from 1974 to 1991. It made minor changes in all subsystems so that it became slightly more hierarchical, job duties of frontline staff became somewhat more specialized, and more emphasis was put on monitoring the environment at the senior management level. On the whole, however, the organization remained as it had been in its early years: decentralized, generalized, flatly-structured, consensus-oriented, and relying on open communication.

Without further comparative research, it is difficult to say to exactly what degree these characteristics are "Native," as opposed to originating in size, for example.

The most important factor concerning the "Nativeness" of the Agency's structure is that it **wasn't** completely Native. It was a blending of Native and non-Native bureaucratically-influenced structures and operations. The organization adopted many of the procedures it observed within the state and other organizations. Some of these adoptions were voluntary, some were less so.

The "Nativeness" of the Agency, therefore, operated in two ways to assist in its survival. The first, more obvious way, was that it assisted in maintaining the Agency's legitimacy with Native communities and the state. Secondly, in combination with the adoption of some bureaucratic practices, it led to a unique structural and operational blend. This blend gave it access to many more resources than it would otherwise have had. The nature of the blend, however, was constantly shifting, as the Agency tried to maintain its in-between status.

OTHER NATIVE CRIMINAL JUSTICE ORGANIZATIONS

This explanatory framework has identified the factors that threatened the survival of one Native criminal justice organization, and also the responses that this organization made

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10. See Jules (1988) and Boldt (1980) for brief discussions of these structures.

to ensure its survival. I don't want to try to generalize to other Native criminal justice (or other) organizations. I suggest, however, that as shown in the earlier comparison of the Agency with other courtworker programs, these threats and responses might also be descriptive of events in these organizations, and the reasons that they occurred might also be very similar.

State efforts to control Aboriginal problem populations and to legitimate its governance over them in a wide variety of service areas are patterns that exist across the country (see, for example, Miller, 1991a; Frideres, 1993). Assimilationist policies, if they still unofficially exist, exit at the federal level as well as the provincial, thereby influencing all Native organizations across Canada. Similarly, there are Native self-government initiatives in all provinces and territories (Miller, 1991a:258-9), implying that they will contribute to the political turbulence in the environment of other Native criminal justice organizations. The quick comparison with the other courtworker organizations showed that control attempts and internal problems are common in these organizations, although their forms varied according to the socio-historical context of each program.

Similarly, the responses used by the Agency are available in some form to all Native criminal justice organizations, since most of them exist to some degree in between the state and the Native political organizations. The nature of this in-between status varies from organization to organization. Some Native criminal justice organizations operate as a state program or a program sponsored by a Native political organization, for example. These differences may give them access to more resources from one group than the other, and open them to different threats. Legitimacy with the Native communities, for example, might be an important threat for the state-operated program in that the communities may not see the organization as an ally and refuse access to the community. Legitimacy with the state might be a threat for the politically- sponsored programs in that the state may not fund them to operate politically-sensitive services.

There is a strong possibility that the threats to the survival of the Agency and the responses of the Agency may also be comparable to those that occur among other Native and non-Native service organizations. Political turbulence doesn't have to be racially-based, but could originate in gender, religion or ethnicity (as opposed to race). Members of any of these groups could attain problem population status with the state (Spitzer, 1975) if they challenge the state either by their lack of involvement in the labour force or by political action aimed at calling the current social order into question. If they attain this status, the state may well take actions to assimilate or control them, perhaps not using the criminal justice system, although that possibility is likely if they occupy one of the lower rungs of the class structure, but by using other institutions of social control. These might include mental health services or the social services system.

Services organizations arising out of any of these groups may find that taking an in-between position is to their advantage, if they find themselves caught in political turmoil and dependent for resources on opposing groups. Whether or not they will be able to develop their organization with the same degree of success as the Agency is debatable. Aboriginal peoples have a unique legal, moral and political claim on Canadian society that has undoubtedly affected in a relatively positive way the treatment the Agency has received from the state and the public.

I suggest that other organizations rooted in disadvantaged groups might be able to

use information about the Agency to their advantage. It is not surprising that the organization has been studied by representatives from many countries trying to set up similar services. It should be noted that there have also been requests for organizational help from two women's groups (that I know of).

Comparative research with such organizations would be of immense benefit, as would research in a number of other areas (as will be discussed shortly).

THE THEORETICAL FRAMEWORKS

The social organizational and critical criminological frameworks provided some useful insights into the meaning of the patterns that emerged in the data. It should be noted, however, that there were also some areas of poor fit. The contributions and weaknesses of each framework will be discussed in turn and suggestions made for incorporating the concepts emerging from this study.

SOCIAL ORGANIZATIONAL FRAMEWORK

The social organizational framework provided a number of valuable insights. The concept, "organizational needs," pointed to the importance of resources to the Agency and, particularly, to legitimacy as an essential resource. Organizational needs were also the bases of the dependencies which led to control attempts, and the bases of some of the responses to these attempts. The concept of "in-between status" emerged from the investigation of organizational needs. It was the ideal organizational "balance" which the Agency sought to reach and maintain, but social organizational theory couldn't provide many insights into the dynamics of the process. Suggestions concerning the processes of maintaining "in-between status" may be a contribution of this study to the social organizational literature, as could be the emergent concepts of selective resistance and mutual dependencies which did describe these dynamics. These concepts point to a possible modification of social organizational theory to focus more on perceptions of organizational ideal states and what strategies are developed to accomplish them.

Selective resistance and mutual dependencies were related to power relations within and between organizations (Morgan, 1986:161). While the use of power between organizations was evident in the analysis, it didn't fit comfortably with the organic metaphor which tends to ignore power and sees conflict as dysfunctional (Morgan, 1986:75). Power was an important need of the Agency and acquiring it the driving force behind the establishment of mutual dependencies. The organization also made use of the conflict in its environment to resist control attempts, which also contradicted the assumption of the organic metaphor that conflict is dysfunctional. More emphasis on power and conflict needs to be included within the organic metaphor. Conflict can be functional between a focal organization and its environment, and conflict between other organizations can work to the advantage of the focal organization. Power also needs to be incorporated as an important organizational need in ensuring survival.

One of the resources essential to the Agency was effective and skilled leadership.

The differences between Native and non-Native leadership became apparent when the data and literature on Native leadership characteristics were compared to classical non-Native, Weberian conceptions of leadership. Its importance also suggested that Singh et al.'s (1986a) assessment that the impact of leadership on organizational mortality is relatively minor might not fit Native organizational life cycles. This inability to account for the unique characteristics of Native leadership is a weakness of social organizational theory and points to one of the possibly useful contributions of this research: in that leadership concepts need to take into account variations rooted in culture and marginality.

The conception of organizational life cycles was also very useful in suggesting what might be "normal" about the Agency and what might be not. For example, the role of legitimacy problems in liabilities of newness, the unusual nature of the political turbulence in the Agency's environment, and the importance of Native leadership were all revealed by looking at the organization's life cycle.

A problem with this conception might be the volatility of events in Native organizations, in that, things happened so quickly that it was hard to isolate certain stages of decline, for example. This may be due in part to the short time period studied.

Organizational cultural concepts also pointed to some unusual aspects of the Agency's structure and culture. A quick comparison of the Agency with a Weberian model of bureaucracy indicated the importance of "irrational" organizational elements, that is, the personal and emotional aspects of organizational culture, in Native organizations. Loyalty, for example, was very important, as was respect. More emphasis needs to be placed on these emotional aspects of leadership and organizational culture, not only in bureaucratic organizations, but in cross-cultural comparisons of organizations.

Organizational structure concepts pointed to the continuing Native cultural aspects of the organization. Many of the structures and processes found in the organization are similar to those now being discussed in the "new management" literature, for example: consensus among organizational participants, employee participation, lessened bureaucracy, greater client responsiveness, teamwork, and the greater use of human resources (Krahn and Lowe, 1993:209-14). Comparisons between these ideas and the operations of the Agency may give some insights into the potential for these ideas in non-Native organizations. Comparisons might also raise some questions, such as what role does the cultural background of organizational members play in ensuring the effectiveness of these new strategies? Could, for example, an antithetical cultural background lead to discomfort and resistance, such as occurred with the implementation of some non-Native bureaucratic procedures within the Agency? Such a possibility for comparison may be an important contribution of this study to social organizational research.

CRITICAL CRIMINOLOGY FRAMEWORK

This framework provided useful insights into the socio-historical context of the Agency's survival. Legitimation seemed a very likely driving force behind the state's support of the Agency in the early years, and also of the state's later withdrawal of support as better avenues towards legitimation opened up in the form of supporting Native self-government. I: also suggested a rationale for hindering self-government initiatives (through

assimilation for the purposes of long-term reproduction of order). The use of the criminal justice system to control problem populations also helped to explain state support of the Agency. There were several problems, however, in fitting this framework to the actions of not only the state, but of Native political organizations and of the Agency.

In terms of state actions, the most serious area of uneasy fit was the racial origins of the conflict between the state and Aboriginal peoples, and the impact this had on the survival of the Agency. The class basis of most critical criminological frameworks diverts attention away from the racial origins of the political and economic systems in place to deal with Native peoples. Historically, these may have been economically driven, in that, these systems were designed to remove Indian peoples from their lands quickly and with a minimum of fuss to enable agricultural settlement, but the actions were couched in an ideology of race[11]. Critical criminology needs to come to terms with how Aboriginal peoples as a group fit into a class conception of Canadian social structure. They cannot be easily classified as all members of the proletariat or of an "underclass." Critical criminology needs to incorporate additional means of differentiating between advantaged and disadvantaged groups that take into account colonial process.

The use of Native culture (via contracted services) by the state to enhance its legitimacy, that is, the official adoption of a subordinate ideology by the state to assist state legitimation, was not predicted by the critical criminological framework. Also not predicted were the pressures from the state that caused the loss of the innovative cultural elements of Agency programming that were needed by the state to legitimate its role as service provider to Native peoples. This might be explained theoretically as a conflict between two different kinds of state control needs, one for conformity, the other for harmony, but that is a more complex conceptualization than critical criminological theory incorporates. Critical criminology needs to place more emphasis on the contradictions within the state, not only in terms of state needs, as mentioned here, but also in its relationships with disadvantaged groups and the priorities of the different state levels (as discussed shortly).

The state's takeover of Aboriginal-run programs, a move outside of Spitzer's (1975) model, also runs counter to expectations of state legitimation practices. Once an organization is perceived by the state as co-opted (as was the likely case with the state's view of the Agency), it would be in the state's interest to keep it that way; yet, that is not what happened here. The state's actions had the opposite effect; they led to more active resistance by the Agency. In general, again, the critical criminological framework couldn't come to terms with these contradictions. Perhaps another contribution of this research to the critical criminological literature is its illumination of these deep contradictions evident in the state's policies towards Aboriginal peoples that need further theoretical consideration.

There were problems with accounting for the active support by some state managers for the Agency, except, perhaps, as insightful agents of the state who recognized a good control mechanism when they saw one, as opposed to, presumably, other state managers who either didn't recognize it or resisted it. However, this introduces the idea of conflicting coalitions within the state, a conception that sits more comfortably with neo-Weberian

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11. Indian peoples were seen as technologically, culturally, spiritually, and racially lesser beings, following the precepts of Social Darwinism, thus justifying the acquisition of their lands (Trigger, 1985).

conflict theories than with neo-Marxist (see Linden, 1992:272-3, for example).

There is also a tendency in critical criminology to treat the state as a monolithic entity conspiring to control society. The findings of this research render this image pretty much caricature. Each level of the state (as defined in Chapter 1, footnote 2) seems to have had its own priorities in dealing with Native organizations and Native communities. There were also contradictions within each level, as some members (the judges, for example) at first supported courtworkers and others (the police) didn't. Future reconceptualizations of critical criminology need to take into account these priorities. This again supports the neo-Marxist view of conflicting coalitions, as mentioned above.

The critical criminological framework, because of its focus on the state, does not provide a great deal of insight into the actions of the Native political organizations and communities. The use of culture by Native organizations and communities as a means of ascertaining political loyalties wasn't predicted. Culture, as a rallying point and a symbol of self-government, is outside the scope of a class-based explanation except perhaps as an aspect of civil society so that culture **appears** to be a part of Native society but is still tied into the economic and political relations between Aboriginal peoples and the state. Further consideration of this point is necessary. (See Abercrombie et al., 1984:34-35). Critical criminology also doesn't shed light on the dynamics of factionalism within Native communities except, perhaps, in a general way, as the result of state efforts to control a problem population. Theories concerning comprador elites established by the state to manage their own people (see, for example, Adams, 1989:156-63) might be a good starting point for theoretical development here.

The critical criminological framework also didn't provide a great deal of insight into some of the Agency's actions, except perhaps, as indicators of local-level resistance to oppression by a subordinate group (see Scott, 1990). One area of poor theoretical fit was the racial origins of the Agency's problems with legitimacy, both in the early years as the result of stereotyping, and in later years as the result of Native self-government. A class-based theory doesn't easily explain actions and reactions based on racial discrimination. Similarly, the critical criminological framework would suggest that organizations based in subordinate groups should align themselves with other subordinate groups, or if co-opted, with the state. The apolitical strategy developed by the Agency, which meant that it didn't align itself with either opponent, didn't fit this at all. Neither did the Agency's provision of services to non-Native clients, which contradicted the "containment" or segregated services, part of Spitzer's (1975) model. As mentioned above, the colonial process and resulting racial discriminatory actions need to be incorporated into critical criminological explanations, as does decolonization. The possibility of "opting out" of political involvement by an organization originating in a disadvantaged group also needs to be considered as an alternative form of resistance. Spitzer's model also needs to be modified to take into account changing state strategies in response to changing political challenges from social dynamite groups.

These problems of theoretical fit point to the somewhat simplistic, either/or nature of most critical criminological frameworks. This study of one organization has suggested a number of complexities that, while they can be explained at the social organizational theory level, don't link easily with a critical criminological macro-level framework. A great many of these complexities are the results of actions of social actors. The whole question of

human agency, that is, the capacity of individuals to act independently of structural constraints (Abercrombie et al., 1984:6), is a thorny one within critical criminology. The deterministic and pessimistic flavour of a lot of critical criminological literature is not encouraging to the efforts of Aboriginal peoples seeking autonomy and self-government. However, recent work in the Marxist tradition by Scott (1990) and Young (1987), for example, suggest that structural changes are possible by the concerted efforts of disadvantaged groups and the working class.

All of the organizational actions that were difficult to link to the Marxist framework were explained to some extent by ideas borrowed from the social organizational framework. Explaining the actions and interactions of organizations seems to be a general area of weakness for critical criminology and one where further work is needed.

SUGGESTIONS FOR FURTHER RESEARCH

The analysis of the data that was collected for this case study provided numerous suggestions of areas where more research would be valuable. All of these areas would have been fascinating to pursue in this study, but time restrictions and realism prevented this. The limitations of a single case study (as discussed in Chapter 3) also suggest that more comparative studies need to be carried out. The areas of greatest research importance and interest are likely:

1. A comparison of the Agency's history of survival and that of Aboriginal-operated criminal justice services in other provinces, territories, and countries. There are similar organizations in the USA and Australia. Other countries have studied the Agency with the intent of following a similar model. How do the different socio-historical conditions influence the development of these organizations? Of interest are conditions such as: Native population size (relative to the non-Native population), the degree of political activism, incarceration rates, economic conditions, and the impact of legislation (discriminatory and otherwise).

Future research might test hypotheses such as: increasing Aboriginal incarceration rates lead to more state attempts to control Aboriginal populations; increasing Native political activism leads to increased state sabotage of self-determination efforts by Native organizations; economic recessions lead to decreasing support of self-determined Aboriginal organizations; and informal state assimilationist policies remain stable over time despite increasing Aboriginal self-determination initiatives.

2. The relations between other nonprofit service organizations and the state. Do they face similar issues of dependency and legitimacy? Are there organizations in their environments that play similar roles to those of the Native political organizations?

Future research might test hypotheses such as: the greater the dependency of a nonprofit organization on the state, the greater control the state exercises over that organization; and nonprofit Native organizations have a more difficult time establishing organizational legitimacy than do for-profit Native organizations.

3. The differences in the organizational culture of the Agency and that of non-Native private criminal justice organizations such as the John Howard Society. Are any differences due to Native cultural values?

Future research might test a hypothesis such as: the majority of the characteristics of new Native organizations are not shared by new non-Native criminal justice organizations.

4. The differences between the Agency and other Native service organizations. Are any differences due to the Agency's involvement in the criminal justice field? Its size? Its structure?

Future research might test hypotheses such as: a structure such as the Agency's ensures greater stability than structures of other Native organizations; and greater organizational size among Native organizations allow them a greater buffer against environmental turbulence.

5. The factors that differentiated the leadership of the Agency from other Aboriginal organizations. From non-Native organizations. From Third World organizations. Is Ed Smith's in-between status unique? Why did he gain leadership in the service sector instead of the political sector?

Future research might test hypotheses such as: an in-between racial status is the most credible for a Native service organization leader; and a combination of leadership skills such as Ed Smith's are found among the most effective Native leaders.

6. The changing language used by the Agency, the state and the Native communities to describe their interactions. For example, the Agency's adoption of the term "self-determination" after using "community development" for so many years. Why did the Solicitor General's department refer to its program as supporting "Native initiatives" when, in fact, it was available only to the land-based communities which hold less than 16% of the provincial Aboriginal population (Statistics Canada, 1993: Table 4)?

Future research might test a hypothesis such as: a major change in policy language reflects an internal perception of decreasing organizational legitimacy.

These hypotheses originated from three sources: the critical criminological perspective, the social organizational perspective, and concepts emerging from this study. Operationalization of the concepts will be the first step, and will likely require trial-and-error testing. Nevertheless, there are enough research questions here to make the continuing study of Aboriginal criminal justice organizations worthwhile for many years to come.

GENERAL CONCLUSIONS

This case study has provided a series of snapshots of the dynamic relationship between Aboriginal peoples and the state. Aboriginal peoples will continue to be a problem population for the state both politically and at the criminal justice level until criminogenic conditions are alleviated. One of the earliest reports on Native involvement in the criminal

justice system had a clear perspective on this situation. The Canadian Corrections Association (1967:12-13) wrote of "the massive backlog of social and economic problems which contribute to the difficulty with the law experienced by these people" and called for "considerable increase in expenditures for such services as housing, education, health, employment counselling and placement and recreation...without this, the Indian and Eskimo people who are geographically dispersed, who are socially, economically and politically handicapped, and who are already burdened with an apathy that has been building for a century will deteriorate further." There is a trend currently towards "quick fixes," especially ones that can be accomplished during the four year term of a state politician. The problems that are facing the Aboriginal communities took hundreds of years to develop and no "quick fix" will suffice in solving them.

With this being the case, it is likely that Aboriginal-operated criminal justice organizations such as the Agency will continue to exist despite funding cutbacks and troubled relationships with the state and Aboriginal communities. There are roles for them in crime prevention, young offender services, community corrections, off-reserve and urban service delivery, and community development.

An Elder in describing the history of the Agency used a metaphor common in Native cultures (See Bopp et al., 1984):

> You know, in a general way it is like you plant the seed for a tree. Well, you know that the tree is going to grow, but you don't know exactly what shape that the tree is going to be in. No trees look alike, and you compare the two trees. One has a big branch here and a little branch over here; I mean, they are branching out, but the tree keeps growing [and] always remains a tree. (Interview, August 14, 1987).

These organizations will continue to be caught in between the needs of the state and the needs of Native communities as long as these two groups remain in conflict and as long as the Native organizations must depend on them for a wide variety of resources.

The dynamic process underlying the Agency's history has been one of changing state strategies of domination. Historical control methods rooted in assimilationist (and racist) policies have been more recently replaced by more subtle administrative and financial control methods, although it is likely that the underlying assimilationist ideology has not changed. If the political agenda had been to truly empower Aboriginal criminal justice organizations, their dependencies on the state and on Native communities would have been removed by self-government long ago. This has not been the case, nor is it ever likely to be the case as long as racial inequalities persist in Canada and Aboriginal peoples remain the country's most disadvantaged group.

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APPENDIX 1:

ADDENDUM FROM THE AGENCY CONCERNING THIS REPORT

Response to Paper re: History, Philosophy, Crises of Establishing the Continued Operation of [redacted]

It was kind of strange to review this paper about [redacted], it reawakened so many memories. Looking back at what, at that time, appeared to be major crises, I now realize they were just minor setbacks. When they did happen, they really became rallying points for making the organization stronger. I appreciate this long term perspective that Marianne has given me with her paper. The way that she has structured the paper, and put things in sequence, is pretty close to what actually happened. Or as close as my memory will provide.

Some of the crises no longer appear the life and death situations they were during that era because of the way the organization operated then. Mandates and bureaucrats changed constantly. I often wondered if they truly understood what I was doing. When they did, there was no problem. But periodically there were some who were extremely jealous of what the organization was providing and its credibility. These people would quite often catch the ears of the politicians and bureaucrats and make it much more difficult to get things going. I know there were several times when I felt like throwing in the towel and saying, "To hell with it! Let them have it!" But, we generally kept talking, worked it through and came out stronger for the process.

Although Marianne mentioned no names of the people she interviewed, I can still pick out who made the comments and the underlying attitudes the organization had to deal with. Although some would not come out and say anything specifically, they implied that anyone outside of government or without a university degree would not be capable of doing the program. Some of it was jealousy, some of it was their inability to admit that people with good life skills or living skills could perform the job equally, if not better than graduates from universities and colleges. Many of the people that [redacted] hired came with primarily, life experiences. Yet they very successfully applied this knowledge to resolve problems in their jobs.

Interestingly enough, as many politicians told me, the government attitude was, "Let's humour this fella and his ideas for programs, it will cost a few dollars but we won't need to worry about him later." It was quite a surprise to them when later -- five, ten, and fifteen years later -- I was still around. Being used to the norm of "fly by night" Native organizations: operate for a while than disappear, they could not figure out why we were still there.

One of the reasons we stayed was, although it was a difficult way to manage, we allowed people to do their thing. We gave them ownership of what they were doing. When I first started, one of the things that bothered me was that my courtworker did not do things the same way I did. Yet he got the same results. Eventually I realized if you do the things in the way that you're most comfortable with, you do get the same results. In [redacted] we were allowing people, trusting them to do it their way, as long as they got the same results. When you give people this type of freedom, you receive their commitment in return. Today, Japanese business management consultants have very

successfully patented this concept.

Secondly, we gave Native people a share in the ownership of our organization. When we first got going, we got acceptance from the people when they saw that we were not government, nor part of any political organization, white or native. We were their organization. They accepted us and thus made our job much easier when we started working in the field.

I want to recognize the contribution people in the field made to program development. Although a great deal of credit is given to myself and management people, a good number of ideas originated at the field level where our staff worked. They did the job, saw the problems first hand and made recommendations for change. Management just picked it up and expanded it. If staff came up with a good idea, I would go and place the idea with other staff and ask them to think about it. Then I would pull them together, have a think tank and we'd usually come up with programs. But it was ownership, from field staff to management. It created a team effort, all working, all believing in their united ideas.

One of the biggest factors for changing our organization was [redacted], who used to work for [redacted]. In our second/third year of operation we asked him to do an evaluation of the courtworker program. He was quite critical of it. This kind of upset us. We were not sure what we were going to do and two of my assistants were prepared to go over and give [redacted] a piece of their mind. I went home and slept on it. I came back the next day saying if [redacted], who is on the outside, saw these things, then this must be what is happening. We made the changes. It was a turning point. Since then [redacted] has never been afraid of evaluations and assessments of its programs. We always felt evaluations, based on our mission and activities were a good management tool for improving our services. These outside evaluations identified issues we could not see objectively. We could, however make the changes. Criticism became not an issue, but a learning tool.

In regards to Marianne's paper, I believe [redacted] requires no protection through anonymity but accepts both the accolades and criticisms with equal objectivity. As an organization, we are proud of our roots and our success as a Native organization working comfortably with federal and provincial governments. We have made a difference.

Would I do things differently? I don't think I would. Things go in cycles so we often run through the same problem solving methods. In dealing with governments, we would often sit down with them, discuss problems, make suggestions and plant ideas in their heads. With some Native groups, it was best to sit down and talk with them about different ideas, then come back later. Usually the idea is theirs and you just work the process from there. It fits right in with our philosophy of ownership breeding commitment.

This process allows communities to own their programs although political organizations would not interpret it that way. They continue to say tha[redacted] is not

accountable to anybody. I beg to differ [redacted] is accountable to a minimum of 40,000 clients a year, plus our funders, and the government and private sector organizations. [redacted]'s accountability was, and still is, on the line.

[redacted] is an established agency that has earned its credibility. For the longest time, I felt that [redacted] was the first organization that specifically dealt with corrections. If problems came up in the field and it got to the political bodies, they would come to us to solve it. I still receive calls from the Ministers' offices to see what I could do to correct problems that arise. We are often asked to make comments on different issues or upcoming legislations, submissions, task forces, inquiries and program ideas.

As an agency, our struggles continue. Although [redacted] spent years establishing its policies and procedures, many groups want a piece of this recognition. They felt if they did similar things, then they would be credible as well, but they do not want to work with us, they just want a piece of the action. The Métis and Indian associations, for example, thought they could do courtwork, but the people they felt were most qualified were the ones that just got out of jail. These people understood being an inmate in an institution, but they did not understand the criminal justice system, the administrative skills required or the philosophy of human resource development that [redacted] has developed through the years. In truth it is experience, management and life skills, training, technical and academic education that keeps [redacted] alive. It is not easy to duplicate twenty some years of progress. Unfortunately, [redacted] still becomes caught between government diversification and Native self-determination with no structure in place to prevent all the pitfalls and mistakes of the past. Such activities are a set-up for failure not progress.

In reading the paper, I found Marianne has done an excellent job of accurately recording the history of [redacted] I commend her for her precision and insight of a unique agency that we are all proud to be a part of.
I wish Marianne all the best in her future endeavours and know she will continue to work at the same high level of excellence she portrayed within our agency and within this paper.

APPENDIX 2:

EXECUTIVE SUMMARY

(prepared for the Agency)

Please note that this summary was prepared before the final revisions were done to this document. Some differences in terminology and emphasis, therefore, exist.

APPENDIX 2:

EXECUTIVE SUMMARY
(prepared for the Agency)

CHAPTER 1: INTRODUCTION

Aboriginal-operated criminal justice organizations are relatively new in the Canadian criminal justice system and have not received a lot of research attention. They are dependent on the state for funding, and the Native communities for clients and staff. These two groups have different political objectives and the Aboriginal organizations are often caught between them, which may affect their chances for survival.

THE DEVELOPMENT OF ABORIGINAL-OPERATED CRIMINAL JUSTICE SERVICES

Aboriginal offenders are the single largest minority group involved in the Canadian criminal justice system. Native-operated agencies have been providing services to them since the early 1960's. The first courtworker program began in 1970 and similar programs have been developed in all provinces and territories since then, although some are no longer in existence. These organizations offered services not only in court but in community and institutional corrections, in crime prevention, and for young offenders. Other kinds of Aboriginal-operated services also been developed, although courtworker programs remain the main source of services in urban and off-reserve areas.

BACKGROUND ON THE AGENCY

The Agency (a pseudonym) was chosen because of its key role in the development of Native criminal justice services across Canada. It has been praised and recognized for its achievements both nationally and internationally. It was responsible for many "firsts" in terms of program development and organizational practices. It was a very stable organization and one of the largest Native service organizations in Canada. It provided a wide range of services throughout the Province in courts, correctional institutions and communities. It had a budget of over $6 million and served 4 client groups: individual offenders, criminal justice system members, the general community and various branches of the state. It has demonstrated that a Native organization can make a place for itself in the criminal justice system and have an impact on the administration of justice.

OBJECTIVES OF THE RESEARCH

Very little research has been done looking at the relationship between Aboriginal criminal justice organizations, the Native communities and the state. Most research does not put Native organizations in the context of historical or political and economic relations. A perspective that looks at power relations is needed because of the increasingly political relations between Aboriginal communities and organizations, and the state. A social organizational perspective also was needed because the research subject was an organization. Concepts also were used that emerged from the data. It was anticipated that because of the state's reluctance to give autonomy to Native organizations, it might place obstacles in the path of evolving Native-controlled alternative criminal justice systems. These obstacles could lead to the end of an organization or to it coming under greater state control. Native communities may also try to get control of the organizations because of the lack of political and economic resources in Native communities. In resisting these control efforts, the organizations have to take resources away from the provision of client services.

The overall objective of the research was to understand the survival of an Aboriginal criminal justice organization in the context of the relations between Native communities and the state. Specific objectives were to carry out a case study from a combined social organizational-critical criminological perspective on one Native-operated criminal justice organization; to determine the nature and origin of factors that threatened the organization's survival; and to make suggestions about the development of other Aboriginal-operated criminal justice organizations and for further research.

OVERVIEW OF THE REPORT

The report is divided into 8 chapters. Chapter 2 describes the theoretical and historical context, Chapter 3 describes the methodology, Chapters 4 to 7 describe the results of the data analyses, and Chapter 8 contains the summary and conclusions.

CHAPTER 2: CONTEXTUALIZATION: ABORIGINAL CRIMINAL JUSTICE ADMINISTRATION IN CANADA

This chapter provides an overview of the socio-historical and theoretical contexts for the research and shows the development of the research questions.

SOCIO-HISTORICAL CONTEXT

Aboriginal peoples were forced into positions of economic dependency and political wardship as a result of the colonization process. Aboriginal peoples became part of a socio-economic underclass. They provided a challenge to the state because of their welfare dependency, as seen from increasing welfare payments, and their increasing politicization,

as seen from the increasing number of self-government proposals. Aboriginal peoples no longer want the state as the main governor or service provider. This stance is the basis of self-government/self-determination movements. Aboriginal groups began initiatives to take over services and took actions to get public attention. Embarrassing public inquiries and political stands also challenged the credibility of the state so that Native people were seen as a threat by the state.

CRIMINAL JUSTICE ADMINISTRATION AND ABORIGINAL PEOPLES

Aboriginal peoples were also a problem population within the criminal justice system, not only because of their numbers, but because of the politics they introduced. Political pressures resulted from government-commissioned reports, criminal justice provisions in self-government proposals, and the involvement of provincial and national Native political organizations in criminal justice issues. Other political conditions included civil unrest on the reserves and elsewhere; the acquisition of power by previously powerless Native groups; and Aboriginal sympathizers moving into positions of power within the government and the criminal justice system. Other influential factors included demographic conditions, specifically the increasing over-representation of Aboriginal offenders in the criminal justice system and changes in the general Native population, such as increasing numbers and increasing mobility and urbanization; cultural changes, particularly Aboriginal cultural revitalization movements; increasing general public awareness and sympathy for Aboriginal causes; and the development of Native organizations. Two kinds of Native organizations contributed to the development of Native criminal justice organizations—Native political organizations and Native service organizations. The earliest Aboriginal organizations were politically-oriented. They were state-funded and therefore state-influenced. The service organizations were primarily friendship centres set up in response to Native migration to urban centres. They were also state-funded and influenced. They provided a role model for the criminal justice service organizations.

State influence over the organizations was diluted by changes in legislation, the promotion of sympathetic state officials, changes in demographic conditions and, most importantly, the public credibility the state got from being in "partnership" with the Native organizations.

THE RESEARCH QUESTIONS

The Agency is in the difficult position of being both a self-determined Aboriginal organization and dependent on the state for funding and credibility. It must avoid being used by either the state or the Native communities for their own political and economic purposes. These attempts to control the Agency threaten its legitimacy and purpose, if not its personnel.

This project was designed to see how a Native organization survived this precarious

existence. The two main research questions were: "What factors affect the existence of Aboriginal-operated criminal justice organizations?" and "What responses can Aboriginal-operated criminal justice organizations make to cope with these threats?"

Two theoretical frameworks were drawn on for insights. They didn't guide the research as such.

THE THEORETICAL FRAMEWORKS

Ideas from the social organizational and critical criminological frameworks were applied as the patterns emerged in the data.

Social Organizational Framework:

Insights from organizational analysis were sought because the subject and the main actors in its environment were organizations. The "organic" perspective, which compares organizations to living entities, was used. Three ideas were borrowed: organizational needs, organizational life cycles, and organizational culture. Organizational needs for resources such as finances, personnel, services and legitimacy must be satisfied for the organization to survive. These are obtained from the environment. According to the organizational life cycle metaphor, organizations are born, transform and die. New organizations suffer from liabilities of newness. Lack of legitimacy is a particular problem. Environmental turbulence leads to organizational uncertainty, and internal turbulence and transformation. Core and peripheral changes within organizations are changes that differentially affect organizational mortality. Organizations adapt positively or negatively to change. Innovative organizations must be concerned also about the organization drifting away from the founder's intents and ideals. If organizations don't adapt, they go into decline. Decline occurs in five stages, all but the last of which are reversible. Corporate culture influences the way staff see the organization and environment, and therefore, influences the organization's survival.

Critical Criminology:

A critical criminological theoretical approach was chosen to assist in the interpretation of the data because of the social organizational framework's lack of emphasis on the political and economic causes of organizational turbulence. It sees the criminal justice system as a means of keeping social order. Two specific ideas were borrowed from this perspective: the state's need to maintain its credibility, and the use of the criminal justice system to control problem populations, specifically Aboriginal offenders.

The function of criminal justice administration, according to critical theory, is primarily to control individuals and groups who question the key components of the capitalist system by not conforming politically and economically. This population becomes a problem to the state. They can be either "social junk" which is costly but harmless to the state, or "social dynamite" which makes demands on the state to change the system. Native people are now social dynamite because of their increased politicization. They also have an increased presence within the criminal justice system which the state must handle.

Problem populations can be controlled by four strategies: 1) normalization, or

preventing their entrance into the system or pushing them through it quickly; 2) conversion, or contracting with members of the problem population to "police their own"; and 3) containment, or segregating problem inmates from the mainstream. The fourth strategy, supporting criminal enterprise, is not used. The first three of these have been used on Aboriginal peoples.

The effectiveness of the legal order depends on the extent to which it is perceived to be legitimate. During economic or political crises, the credibility of the state is questioned. Legitimation crises are characterized by an erosion of faith in leaders and government institutions, and a perception that these are ineffective. In response, the state sets up branches and bureaus (such as Aboriginal criminal justice organizations) to diffuse disillusionment and to control the problem population.

CHAPTER 3: METHODOLOGY

The methods used were exploratory and historical to try to let he organization's point of view come through. In this chapter are explained the combination of approaches used—modified grounded theory, case study, and historical; as well as the data sources, limitations to the study, and partial solutions to the limitations.

MODIFIED GROUNDED THEORY

It was decided to develop concepts from the data, rather than to try to impose a theoretical framework as is usually done. This was done to avoid (as much as possible) problems of cultural ethnocentrism and to get the "Native voice" of the organization.

THE CASE STUDY APPROACH

Case studies look at events in their natural context, use multiple sources of information, and are particularly useful if the area has not been studied before, as is the case here. This is a single case study but it was done as a series of "snapshots" of the organization over time. Each one was a time of organizational crisis: 1) 1970-71, startup crises; 2) 1974, board take-over crisis; 3) 1989, Agency over-extension; and 4) 1990-91, inroads by self-determination.

THE HISTORICAL APPROACH

This method was used in combination with the case study method to get not only facts but interpretations from the people who had dealings with the Agency. This study was a "micro-history," that is, a history done in a small-scale social setting.

DATA SOURCES

Qualitative methods were primarily used, including: interviews with Agency and state staff, analysis of archival interviews on audio tape, content analysis of Agency documents, and observation. Secondary data sources included government annual reports and press releases, correspondence, press clippings and historical literature. The key informant was Ed Smith (a pseudonym), executive director of the Agency. An unpublished manuscript of the Agency's history was a valuable resource as were my memories of the Agency from 10 years of employment there. Observations were done mainly to reacquaint myself with the Agency's operations.

LIMITATIONS AND SOLUTIONS

Possible limitations to this study that had to counteracted included: lack of generalizability, lack of corroboration and reliability, lack of rigour, massiveness of data, incomplete documentation, misinterpretation of data, recency of data, ethical considerations, and possible negative Native community reactions. Partial or total solutions were found for all of these.

CHAPTER 4: CASE STUDY 1: 1970-71

In its startup years the Agency experienced a series of crises originating in liabilities of newness. The socio-historical context, the crises, and the Agency's responses are examined in this chapter.

SOCIO-HISTORICAL CONTEXT

The courtworker programs started in the friendship centre in Fort Jones (a pseudonym) in 1963. The program was a one-man show for 6 years. Ed Smith had to overcome initial criminal justice system wariness, although most of the judges were strong supporters. Requests for services soon began to come in from around the province. The friendship centre board members not only would not allow the program outside the city boundaries, they wanted more control of it. Ed Smith, with the encouragement of the Native political organizations, left the centre and started a separate organization under the wing of the Metis political organization. The new organization expanded is services even while getting into some difficulties with the Metis organization.

CRISES

There were three main crises—political, financial, and a crisis of legitimacy. The

political crisis occurred because the Metis organization wanted more control over the Agency's activities. It (and an associated media organization) wanted the Agency to take on a more active political role. The legitimacy crisis occurred because the Agency needed the support of clients, Native communities and political organizations, criminal justice members and the state. Other groups also wanted to define the Agency's role. Native political organizations sometimes were afraid of the Agency and refused to give it access to communities. Members of the criminal justice system were concerned that courtworkers couldn't do the job, would take over their turf, or would interfere with the status quo in the system. The state, the potential funder, had to be convinced of the Agency's abilities. This was a reflection of the negative view much of society had of Aboriginal peoples.

The economic crisis was the exhaustion of program funding and the resulting choice of having to run the program without funding or to close it down and lose legitimacy with the Native communities and the criminal justice system.

AGENCY RESPONSES

The main response was "selective resistance," that is, choosing to bow to some control attempts and to resist others. The political control attempts were resisted. The Agency left the Metis organization although good relations were maintained since the Agency agreed to stay out of politics. There were no legitimacy problems with clients. To get legitimacy with the case of Native communities, they were asked for input into the Agency's development, educational workshops were held, well-respected Native community members were hired, a wide range of services were provided, and the written support of the land-based political organizations was obtained. Legitimacy with the criminal justice system was obtained by invoking staff knowledge of Native culture, allowing the judges to define the limits of the role, staff training, staff hiring, providing information on the Agency and Native issues, and assisting non-Natives. Legitimacy with the state was obtained by using the support of the criminal justice members and Native community leaders to "sell" the Agency, by emphasizing the Agency's a-political stance, and by providing a wide range of services to state members.

The financial crisis was handled by the staff making personal financial sacrifices, approaching a wide range of funders, the skillful use of Native political tactics, and using endorsements from one group to build legitimacy with another.

CONCLUSIONS

A number of conclusions about the early life cycle of the Agency were reached revolving around: special liabilities of newness faced by Native organizations in gaining legitimacy, the control of problem populations, leadership credibility as an organizational resource, the role of culture in the development of legitimacy, apoliticalness as a response to political turbulence in the environment, the development of mutual dependencies, the development of an in-between status, and the development of mutual dependencies, selective resistance and balance as organizational strategies.

The Agency's birth pangs were more or less normal except for the problems associated with gaining legitimacy as a Native organization providing innovative services. There seemed to have been an identification of Agency staff by the members of the state and of the criminal justice system with the "social junk" stereotype of Native people. The organization's potential as a controller of problem populations was recognized, as was its usefulness in "cooling out" the Native political organizations. The leader's legitimacy started the organization's legitimacy. The apolitical stance got the support of both the state funders and the Native political organizations. The first wanted a politically safe partner; the second didn't want political competition. The Agency had to provide holistic services to get legitimacy with Native communities. The Agency was more dependent on the Native political organizations than vice versa. Mutual dependencies were established with criminal justice system members. Some of the groups the Agency depended on were in conflict which gave the Agency a unique in-between status which caused problems but was also used to survive. Special skills developed to adapt to the turbulent environment were mutual dependencies, selective resistance (or choosing which demands to agree to and which to resist) were used to achieve a balance and an in-between status. The organization was a new organization already well on its way to developing a unique ideology and unique strategies for survival based on its in-between status.

CHAPTER 5: CASE STUDY 2: 1974

The Agency was still under pressure from Native communities and political organizations to prove its legitimacy. Rapid growth led to internal role confusion. The Agency was under pressure to conform to the "proper and useful" organizational structure common among Native organizations of the time. In this chapter, the socio-historical context, crisis and Agency response are examined.

SOCIO-HISTORICAL CONTEXT

Socio-historical factors that led to the 1974 crisis were rooted in continuing problems with legitimacy and internal and external conflicts rooted in rapid expansion. Legitimacy was mainly a concern in Agency relations with the Native communities. The biggest problem lay in the Agency's lack of conformity with board structures common to other Native organizations. Most of these were more "political" than the Agency in that elected board members were the norm and these had a great deal of administrative control over the organizations. The Native political organizations focussed on the board as a means of gaining more control over the criminal justice organizations. Legitimacy problems were worsened by competition from other Native organizations for funding.

The Agency was rapidly expanding and becoming visibly successful but was experiencing external and internal conflicts as a result of rapid growth, and environmental turbulence rooted in political and economic competition. Internal conflicts were at the front line where staff members felt caught between community demands, and the Agency's

mandate and management expectations; and at the board level where board members were under pressure from Native community and Agency management expectations of "proper" organizational structure and function. Board positions were very desirable because of their status. The board members decided they wanted to increase their day to day control of Agency administration and over Ed Smith.

CRISIS

The Agency was at a crossroads. It could have become board-controlled; Ed Smith could have left the Agency and formed another organization or gone under state sponsorship; or the board could have been convinced to follow management's conception of the board's role. The third alternative occurred. A board take-over would likely have cost the Agency some of its legitimacy, as would direct state sponsorship.

AGENCY RESPONSES

The Agency's successful responses depended almost completely on the leadership abilities of Ed Smith. Ed's long term strategy was to try to change the board's perception of its role. In the short term, he presented information to the board that supported his managerial actions. The membership of the board changed, board training was set up, and the terms and conditions of employment (which also applied to the board) were altered to avoid political involvement. Ed had learned these strategies from other organizations, especially the state. The board became essentially self-policing. The legitimacy of the board structure was established as indicated by its adoption by other Native organizations. To understand how Ed Smith resolved this crisis, more information on him was presented including his background, personal characteristics, network of contacts, and his leadership style. Ed Smith's Metis status allowed him to walk between two worlds as did his employment and sports experience. These two worlds were not only the Native and the non-Native, but the Aboriginal communities and the state. He worked with the state, not against it; he provided the state with information and strategies it could use. Members of the state felt he was their ally. The Native communities felt that he was their ally also.

CONCLUSION

Conclusions were made revolving around: problems of legitimacy, the disadvantages and advantages of in-between status, using boards as political tools, the liabilities of rapid growth, and the nature of leadership in innovative organizations.

Problems of legitimacy with members of the state and criminal justice system seem to have been resolved, perhaps because these groups saw the Agency as working on their behalf, and because of the services rendered. Legitimacy problems came from the Native communities, instead, where increasing politicization had led to increased sensitivity to the use of Native culture as a means of political identification. The Agency couldn't prove its

loyalty to Native political ideals without alienating state funders, thereby getting caught in-between. Remaining in-between was also an advantage, and the greatest challenge faced by the Agency. An apolitical stance was an important means of accomplishing this. A leader who walked in-between was essential. The Agency hadn't been co-opted by either group but was making its own way. A balanced in-between status would have been lost if the board or state had taken over.

CHAPTER 6: CASE STUDY 3: 1989

From 1974 to 1989 the Agency grew to become the largest Native service organization in Canada. The time period was divided into two phases, one of growth and one of service cutbacks and short-term decline. Both phases were characterized by turbulence and changes in organizational culture. The Agency was under constant pressures from the state and the Native communities to keep providing more services. As a result of trying to comply with these demands, the Agency over-extended itself financially. The context of crisis was changing relations between the state and Aboriginal communities because of self-determination and economic recession. Discussed in this chapter are the socio-historical context, the crisis and the Agency's response.

SOCIO-HISTORICAL CONTEXT

Influential events occurred in several areas: external economic conditions, legislation and politics, Native community needs, Agency growth and bureaucratization, problems with legitimacy, changes in organizational culture, and an increase in Agency financial dependency. External economic conditions related to the boom and bust economic changes in the province. Native people were becoming more dependent on the state and getting into more trouble with the law. Funding for programming dried up even though demands kept increasing. Changes in legislation and in the Native community, such as the increasing number of young people involved in the system, put pressure on the state and on the Agency to provide more services. More Native organizations sprang up, going into competition with the Agency for funding and power. The Agency grew in size while funding was still relatively easy to get. The number of offices, programs and staff increased. Relations with the state were good until the recession hit. At that point, programs were cut and staff positions not filled. The state put pressure on the Agency to become more bureaucratized, which it did to some extent.

The Agency still needed to maintain its legitimacy. "Professionalism" became a key idea. On the other hand, the Native aspects of the Agency also were emphasized both in the formal and informal aspects of the organization's culture. By 1989, changes had occurred in the Agency's organizational culture. Native aspects were included in the formal organizational structure so that service delivery emphasized: communication, Native delivery of services, incorporating Native cultural components, holism, and community ownership. Other formal aspects included: the use of Native names for programs, cultural

sensitization as part of the job description of the workers, and incorporating Native aspects into the organizational structure. These aspects gave evidence of the Agency's Native components to the communities and the state, but the Agency was careful not to align itself completely with the communities. Informal Native cultural aspects also were evident, including: informality of address; the use of Native language; artwork; the inclusion of family members; the informal treatment of clients; the method of establishing relations and social greetings; the use of prayer at meetings and events; the informality of dress; the use of story-telling; the levelling effect of training; helping behaviour; joking and teasing; and managers "touching base." Some informal aspects changed over the time period, mainly because of the effects of bureaucratization. These included: the use of separate offices, the reassignment of secretaries, and the change of head office locations. These informal aspects again emphasized the organization's Native roots. A family metaphor was used in conjunction with these cultural aspects to emphasize the close-knittedness of the staff; however, this changed as a result of the problems that accompanied Agency growth. These problems affected the harmony of Agency operations as the structure became more hierarchical and bureaucratized. Balancing the need to be "Indian" with the need to be more bureaucratic caused the Agency to over-extend itself internally.

The Agency was becoming more financially dependent on the provincial Solicitor General's department as a result of the consolidation of its funding resources under the Solicitor General's control in 1985. This had been suggested by the Agency as a means of easing administration and as a step towards getting core funding for its administration. A deficit had developed as the result of the Agency's efforts to get salary parity for its staff when one provincial government department reneged on the informal agreement. With the recession, the provincial Solicitor General started making budget cuts which were passed on to the Agency.

CRISIS

By 1989, the Agency had over-extended its internal resources. It discovered it was facing a year-end debt of over $600,000. There were problems with the bank not wanting to extend credit. The Agency was also beginning to lose positions and funding to the Native communities and having to cut back services due to earlier funding cutbacks. If the Agency had not been able to handle this crisis it would have provided the state or the Native political organizations with the opportunity to take over control of the Agency.

AGENCY RESPONSES

The Agency responded by using a variety of bureaucratic techniques. It asked for limited state assistance and kept control of the necessary down-sizing that was chosen as the best resolution to the crisis. As well, a structural re-organization occurred, and a computerized financial management system was used for budgeting. The Agency managed to reduce its projected deficit to less than $20,000 by early 1991. The Agency refused to let the Solicitor General take any more courtworker positions, although the state did take over

some Agency programs that had been cut. It was anticipated that more funding cuts would be coming. The Agency likely made Solicitor General managers uncomfortable with the autonomy it showed and the effectiveness of the methods it used in surviving the crisis. These could have caused concern about future Agency cooperativeness.

CONCLUSIONS

Conclusions revolved around the effect of competition on selective resistance, the use of funding by the state to gain legitimacy and to control Aboriginal groups, the use of culture as a political instrument, the conflict between innovation and bureaucratization, organizational competence as an instigator of control efforts, the disadvantages of mutual dependency, the changing role of leadership in innovative organizations, and the conflict between Native and non-Native organizational cultural values.

Increased competition lowered the possibility of selective resistance to "client" demands. As a result the Agency over-extended its services.

A partnership with the Agency helped the state to prove its commitment to Native self-determination but there were questions about the state's true commitment because of funding policies, contract controls, the application of inappropriate standards and inadequate follow-through. It may have been supporting self-determination on the surface and sabotaging it underneath.

Native culture became an instrument of politics and was needed as an aspect of programs in both the state's and the Native communities' eyes. State managers also expected the Agency to become more bureaucratic. Innovation didn't stand up well to bureaucratization. Changes in organizational culture were related to growth and bureaucratization. The Agency seemed to be trying to synthesize Native cultural and bureaucratic aspects. The Agency became more activist and autonomous, though not in a political way; even so, this may have made state managers uncomfortable.

Mutual dependencies can be disadvantageous during times of economic recession if one partner (the state) has more power than the other. The role of the founder had changed because of increasing organizational size.

In 1989, the relationships among the Agency, the state and the Native organizations were beginning to change and it didn't look good for the Agency.

CHAPTER 7: CASE STUDY 4: 1990-91

The crisis of 1990-91 was based in Aboriginal self-determination in conjunction with state strategies aimed at controlling Aboriginal political organizations. The politics of self-determination meant waning support for the Agency from the land-based communities. In this chapter are discussed the socio-historical context of the crisis, the crisis, and the Agency's response to the crisis.

SOCIO-HISTORICAL CONTEXT

The main aspects of the historical context were self-determination, changes in the characteristics of Native criminal justice clientele, changes in legislation, and the impact of the recession.

The Agency was dependent on Native communities for clients and staff and therefore had to be responsive to the communities' goals of self-determination. This was accomplished by the Agency's community development work which took a wide variety of forms. At first the Agency kept control of its community programs but this became more difficult as the political climate changed. The Agency became involved in a number of joint ventures with communities, but other communities wanted complete control over the services. These communities asked the provincial Solicitor General to let them take over the programs. The Solicitor General agreed without consulting the Agency.

The state had become very dependent on the Agency to fulfill the state's mandate for Aboriginal offenders. In 1989 it started to change this. It began a series of Native initiatives to encourage Indian land-based communities to take over Agency programs, as well as start other programs. A provincial task force also recommended that the Agency no longer be allowed to keep a monopoly of criminal justice services despite its effectiveness in providing them. The changes in state orientation may have been the result of: the state's professed unhappiness with the developmental process followed by the Agency, the political pressures on the state from the Native political organizations; the hostile relationship between the Agency and some Solicitor General staff, and the state's discomfort with the Agency's growing autonomy and abilities. These events, then, caused changes in the Agency's service area, a type of change that often has severe negative impact on organizational survival.

Changes in Native clientele also contributed to this crisis in that the offenders were more urbanized and committing different offences and therefore needed different services. Changes in legislation meant more young people were being incarcerated and that Native people had more rights, which put pressure on the state and the Agency to provide a wider range of services. The recession put pressure on the growing number of Native organizations to tap into the same sources of funding. Non-Native organizations also began to compete, with the state's encouragement. Because the Agency had to cut its services, its community development initiatives were severely affected and cost the Agency some legitimacy in Native communities.

CRISIS

The Agency went into a short-term decline as it searched for strategies to understand and handle the problems. The Solicitor General took away positions from the Agency with little advance warning and despite the Agency's protests. A number of other possible losses also loomed. This placed the Agency in a position of receiving potential damage to its credibility and perhaps violating the terms of the agreement with the federal funder. There were a number of other complications that increased the stress on the Agency at this time. These included: possible unionization (which the Agency management

completely opposed); the possible retirement of Ed Smith, thereby leaving the Agency in a weakened position until a new leader established control; and the on-going funding cuts. The Agency was more or less aware of problems in its relations with the Solicitor General's department, but was caught by surprise by the major changes in self-determination.

AGENCY RESPONSES

The Agency openly told the Solicitor General that it could not take any more courtworker positions. A number of strategies were under development when this research ended in 1991. These included: working more closely with the Native communities; taking control of devolution of services to the communities, and removing the courtworker program from the sponsorship of the Solicitor General's department. Other plans included the development of joint ventures with other Native service organizations threatened by self-government, re-emphasizing the Agency's usefulness to the land-based communities, restructuring senior management to focus on program development, continuing to put emphasis on professionalism, critiquing the Solicitor General's Native initiatives, and changing the Agency's objectives to encompass community development. The Agency did not rely on the invocation of Native cultural knowledge since this was a strategy that the communities could use to greater effect than the Agency.

CONCLUSIONS

By 1991, the Agency was operating in an environment more hostile than at any time since its founding. Conclusions concerned: the loss of legitimacy, the state's role in interorganizational competition, the disadvantages of organizational ideology, the organizational impact of changes in a founder's role, the use of selective resistance, and the loss of in-between status.

The loss of legitimacy with the state and the Native political organizations was the greatest threat the Agency faced. The Agency's relationship with the state was now a disadvantage as the Solicitor General's Native initiatives endangered the courtworker programs. The state was retaking control of Aboriginal programs and trying to lessen its dependency on Native organizations which assisted it to maintain its legitimacy. The result may be more state control in the future. This may be part of a hidden state agenda to continue promoting the assimilation of Canada's Native people.

The Agency may not have recognized the crisis immediately because it saw itself not only as part of the movement, but as invulnerable because of its maturity and power.

In response, the Agency seemed to have begun redefining its role to an "Elder" organization in keeping with the founder's new "Elder" status. This was a recognition of its new status, not an assumption of it. This status could increase the Agency's legitimacy with the Native communities.

The Agency continued to use selective resistance in trying to find new sponsorship for the courtworker programs and to control future program losses.

The courtworker programs were well-established and no longer innovative. The Agency had lost its in-between status in that the state and the Native communities were aligned against it and competing with it for clients and funding. The Agency needed to find a new balance among the groups.

In 1991, the Agency was trying to regain an in-between status and changing its strategies to be more aggressive and innovative to do so.

CHAPTER 8: SUMMARY AND CONCLUSIONS: THE SURVIVAL OF ABORIGINAL CRIMINAL JUSTICE ORGANIZATIONS

The two research questions were: "What factors affect the existence of Aboriginal-operated criminal justice organizations?" and "What responses can Aboriginal-operated criminal justice organizations make to cope with these threats?" This chapter includes a summary of the four mini-cases, an update on the Agency, a comparison of the Agency to other courtworker carrier agencies, and suggestions concerning the theoretical frameworks and for further research.

THE CASE STUDIES

The first section of this executive summary was a summary of the of the four case studies. To avoid repetition, it will not be reproduced here.

AGENCY UPDATE

The Agency was still operating in May, 1993, and beginning to recover from its period of decline. Environmental changes had impact on the Agency's continuing responses to the 1991 crisis. These included: the amalgamation of the Solicitor and Attorney General's departments which made moving the courtworker programs impossible; possible funding cuts from the Department of Justice; the increasing difficulty of dealing with middle level state bureaucrats; and a possible amalgamation of Legal Aid and courtworker programs across Canada.

The organization was getting back into innovative services, especially sentencing panels, and was taking a more advisory role. Community development work was being extended to Australia. The Agency had lost no more positions and was holding its own.

The future of the Agency will likely be characterized by increasing state control. The state will likely continue to foster competition to try to "divide and conquer" Native organizations. State control attempts are becoming more subtle. The Agency also will have to guard against over-extension and appearing too successful (if that is possible) so as not to invite any further control attempts.

THE AGENCY IN COMPARISON TO OTHER COURTWORKER AGENCIES

The Agency provided a wider range of services than other courtworker organizations. There were similar trends in their histories, especially in the areas of legitimacy, political turbulence, and resource scarcity. Bureaucratization seemed to be a common pattern. Other organizations had suffered problems of leadership succession; the Agency hadn't.

The Agency's apolitical stance, mutual dependencies, self-scrutiny, long-term and skilled leadership, and effective use of bureaucratic techniques helped it to survive similar crises to the ones suffered by these organizations.

EXPLANATIONS: SURVIVING IN-BETWEEN

This section synthesizes the conclusions reached at the end of the 4 data analysis chapters and discusses each research question in turn.

Factors Affecting Survival:

Two patterns emerged, political turbulence in the environment and resource dependency. These led to a pattern of direct and indirect control attempts by other groups, which were made worse by internal problems.

Political turbulence arose out of the Agency being caught between two political opponents, Native communities and the state, both of whom were struggling to assert control over Aboriginal peoples. The state was trying to fulfill an assimilationist agenda in order to preserve the status quo and also maintain its legitimacy as governor over Aboriginal peoples. Funding Aboriginal-operated services was one means of doing this, since being in "partnership" with an Aboriginal organization enhanced state legitimacy and at the same time helped to handle the Aboriginal offenders going through the criminal justice system. It is likely that the state gave an appearance of supporting self-determination on the surface but was sabotaging it underneath. The funding patterns followed by the state suggested this.

The Native political organizations used the Agency to establish the legitimacy of Native-operated services and then tried to take them over to further their goals of self-government. The Agency was stuck between these conflicting political goals and was pressured by both groups to assist them (control attempts).

Resource dependency existed from the Agency's birth onwards, but its characteristics changed over time. Legitimacy was the Agency's most important resource. It used it to gain more, so that it was both a goal and a resource. It grew until Native self-government caused the Agency to start losing it.

The state was originally dependent on the Agency but began to find other sources of resources as its dependency grew. A similar process occurred with the Aboriginal communities.

Control attempts were the most serious threat to Agency survival but their nature

changed during the life cycle of the Agency. In the first years, control attempts focussed on the roles of the staff and board. Criminal justice system members and Native communities wanted to use the Agency for their own ends. The state wasn't interested in the Agency at first; this changed so that control attempts became more pronounced over time.

The Agency's growing power and autonomy made it harder to control. As the state and Native communities began to doubt its loyalty, they tried to weaken it, and worked together to do so.

The Agency's internal problems were mainly rooted in rapid growth. These included confusion about staff and board roles, over-extension of the financial management system, and a drift from the innovative intent and informal relations of previous years. These were relatively "normal" organizational problems.

Agency Response:

The main response was maintaining balance among the state, Native communities and the Agency. Until the last case, this balance had been achieved with the Agency in between the other 2 groups. The Agency was trying to find another in between status for itself when the research ended. Strategies being used included: maintaining mutual dependencies, selective resistance, maintaining an apolitical stance, and using resources from both sides. Underlying these was the importance of effective leadership.

Mutual dependencies gave the Agency negotiating power. It was part of a large web of these relations. When the Agency had a near service monopoly, the other groups were most dependent on it and tried to lessen their dependency.

Selective resistance was the picking and choosing of which demands to acquiesce to. As demands increased, so did the Agency's resistance, especially with the state. With Native communities the Agency became less resistant towards the end of the time period, probably because of its bottom-line dependency on Native clients. The Agency played off demands from one group against the other.

An apolitical stance allowed the Agency to sell itself as an ally to both groups. This stance was changing at the end of the research. Taking resources from both sides allowed the Agency to resist control efforts or problems presented by either side. This led to the development of a unique organizational structure and culture that incorporated elements of both.

Ed Smith's leadership was key. He provided the organization's ideological and structural foundation and guided it through most of the crises. He was probably not a "charismatic" leader as such, but certainly was an inspired one.

These trends may also be descriptive of what has and is happening in other Native criminal justice organizations, as well as other organizations originating in disadvantaged groups.

SUGGESTIONS ABOUT THE THEORETICAL FRAMEWORK

There were problems in trying to explain the Aboriginal-state relations using theoretical ideas rooted in class structure, as opposed to race relations. The ideas didn't fit the data very well in trying to explain a number of events, such as discriminatory behaviour

on the part of criminal justice members as the Agency tried to establish itself, or the use of culture by the Native political organizations as a rallying point.

SUGGESTIONS FOR FURTHER RESEARCH

The most important areas of future research are: 1) a comparison between the Agency and Native criminal justice organizations in other provinces, territories, and countries; 2) relations between other nonpolitical service organizations and the state; 3) differences in organizational cultures between Native and non-Native organizations; 4) a comparison between the Agency and other Native service organizations; 5) leadership factors in Native organizations; and 6) the reasons for the changing language used by the state, Native communities, and the Agency.

GENERAL CONCLUSIONS

Aboriginal-operated criminal justice organizations will continue to exist because the conditions that cause Aboriginal criminal involvement continue to exist, but their role may change. They will continue to be caught between the needs of the Native communities and the state as long as these two groups remain in conflict. The policies of the state will likely continue to be assimilationist, although these policies are more subtle now, with their roots in administrative and financial control.

* * *

Thank you again to the people of the Agency for their cooperation and understanding in the completion of this research. Your work is invaluable, not only to Native offenders, but to the society at large that needs to be reminded of your vision and courage.